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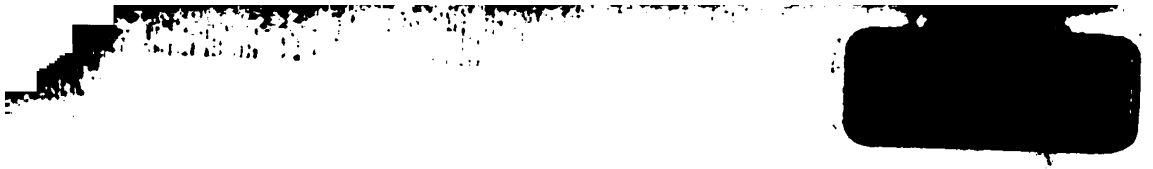

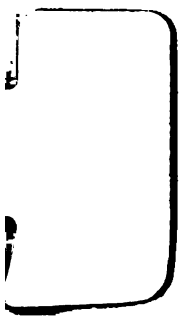

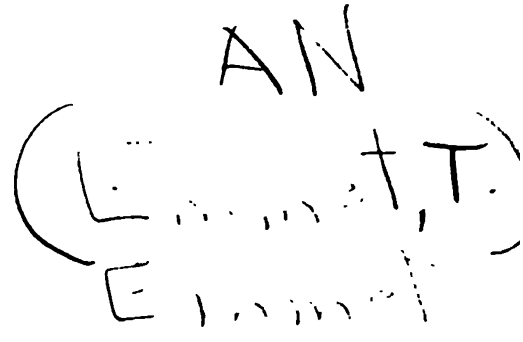

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OF

Thomas Addis and Robert Emmet

WITH

THEIR ANCESTORS AND IMMEDIATE FAMILY

BY

Thomas Addis Emmet, M.D., LL.D.

Member of the Virginia Chapter of the Phi Beta Kappa Society of the University of Virginia; President of the Irish National Federation of America during its existence; made Knight Commander of the Order of St. Gregory by Pope Pius X; Recipient of the Lætare Medal; Fellow of the American College of Surgeons and many professional and historical societies at home and abroad; Author of surgical works—last, Principles of Gynæcology, three editions, Philadelphia and London—with German, French and Spanish translations, together with many monographs, historical and professional, and in addition, The Emmet Family (1898); Ireland Under English Rule, two editions (1903 and 1909); Incidents of my Life (1911).

VOLUME II

THE EMMET PRESS

New York, 1915.

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Ireland was old when Greece was young. Before Rome had written her wondrous laws Ireland had established civilisation in the emerald isle of the West. Like the pyramids of Egypt the round towers of Ireland stand among the architectural wonders of the world. Pliny and Julius Cæsar assert that Ireland's civilisation was the wonder of the East, and Plutarch writes that, compared with the Irish people, other nations are new.

Hon. Martin H. Glynn, New York, March 4, 1914.

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Go into the length and breadth of the world, ransack the literature of all countries, find if you can a single book in which the conduct of England towards Ireland is anywhere treated except with profound and bitter condemnation.

Gladstone (Morley's Life).

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What does the liberty of a people consist in? It consists in the right and power to make laws for its own government. Were an individual to make laws for another country, that person is a despot and the people are slaves. When one country makes laws for another country, the country which makes the laws is absolutely the sovereign country, and the country for which those laws are made is in a state of slavery.

Blackstone.

Illustrations

The triumph of England over Ireland is the triumph of guilt over innocence.

John Philpot Curran.

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Every attempt to govern Ireland has been made from an English standpoint and as if for the benefit of Englishmen alone.

Unknown.

Law in Ireland was the friend neither of the people nor of justice, but the impartial persecutor of both.

Aubrey de Vere.

Had Ireland desired to submit she could not have done so. England did not leave her the choice. Risings, revolutions and civil wars were forced upon the country from century to century. They were provoked by massacres, plantations and persecutions; by the oppressions of landlords, by the injustice of the laws. It was England herself, it was the English in Ireland that made the Irish rebels. But how comes it, one may ask, that after so long an agony Ireland still survives, that the name of her people has not been obliterated from the pages of history? The reason is, that down to the eighteenth century, so vigorous was her race, so powerful the influence of her climate and of her pleasant nature, so great the charm of her soul on the souls of the newcomers, that Ireland always assimilated her invaders. "Lord!" said the poet Spenser, "how quickly doth that country alter men's natures." England, on the other hand, was lacking in the first duty of a conqueror, which is to legitimatise his conquest by the spread of civilisation and by works of reparation. This is a truth that none can fail to recognise.

L'Irlande cotemporaire, by L. Paul Dubois,
Tr. Kettle.

It is an irksome and painful task to pursue the details of that penal code; but the penal code is the history of Ireland.

John Mitchel.

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When Englishmen set to work to wipe the tear out of Ireland's eye, they always buy the pocket-handkerchief at Ireland's expense.

Col. Edw. Saunderson, M.P.

Illustrations—Volume II

	FACING PAGE
Robert Emmet by H. Brocas	*Frontispiece*
Robert Emmet's birthplace, Stephen's Green, Dublin	3
Facsimile pages of Locke's work, showing Robert Emmet's annotations .	4
Facsimile page of Robert Emmet's note-book used at Trinity College .	7
Facsimile of a pen and ink sketch by Robert Emmet	21
Seal for the United Irishmen, designed by Robert Emmet	22
Parliament House and Trinity College, Dublin	23
Parlor at Casino as it was in 1880	30
Robert Emmet's Bedroom at Casino	31
Anne Devlin	36
House on Butterfield Lane, leased by Robert Ellis (Emmet)	45
The unchanged entrance to Emmet's depôt in Marshal Lane Map of the neighborhood . . .	46
Marshal Lane from Bridgefoot Street	47
James Hope	54
Col. Miles Byrne, 1840	60
Site of Robert Emmet's depôt in Patrick Street Map of the neighborhood	64
Canal Bridge at Harold's Cross	78
Dublin Castle Courtyard	84
House at Harold's Cross where Robert Emmet was arrested	92
Michael Dwyer	108
Facsimile of signature of Tresham Gregg, Gaoler of Newgate . .	137
The Devil's Brief, prepared for Robert Emmet's trial	146
Courtroom, Green Street, Dublin, where Robert Emmet was tried . .	156
A supposed portrait of Dr. Robert Emmet, painted about 1780 . .	171
Broadside issued by the Provisional Government to the People of Ireland. Copied from the original used at the trial	185
Henry Charles Sirr, Esq., Town Major of Dublin	198
Lord Norbury, from a sketch made by Petrie during Emmet's trial Facsimile of signed autograph by Lord Norbury . . .	211
Broadside issued by Government: "The Trial and Dying Behaviour of Mr. R. Emmett"	217

Illustrations

FACING PAGE

Bill rendered by the Government for the diet of the State prisoners during September, 1803, showing that of Robert Emmet on the day of his trial 229

Monogram R. E., designed by Dr. Emmet for back of Comerford miniature; Watch seals, including one designed and worn by Robert Emmet, motto "Alas my Country"; another showing a harp with shamrock and motto "Ubi libertas ibi Patrya", designed and worn by Robert Emmet, given to his brother and in 1800 given by Thomas Addis Emmet to Mr. Patten 234

The Hibernian Journal or Chronicle of Liberty, a Dublin newspaper issued September 21st, 1803, giving an account of Robert Emmet's trial and execution 236

Thomas Street, where Robert Emmet was executed, in front of Bridgefoot Street and St. Catherine's Church 238

Petrie's sketches of Robert Emmet and Lord Norbury, taken during Emmet's trial 253

Comerford's sketch of Robert Emmet enlarged 254

Broadside issued by the Government and engraved by Brocas, showing Emmet speaking 256

Government's false version of Emmet's speech, intended to mislead and irritate the French 257

Robert Emmet, enlarged from Brocas's courtroom scene, to show the head had been redrawn 258

Facsimile of warrant issued by Alexander Marsden, Under Secretary for Ireland, to pay for betrayal of Robert Emmet 261

Sarah Curran, from a painting by Romney 262

A page from "The London and Dublin Magazine", 1825, containing "Robert Emmet and his Cotemporaries" 272

A page from Whitty's Life of Robert Emmet to show the accuracy with which Robert Emmet was quoted 276

A page from Locke's work, annotated by Robert Emmet, to show the accuracy of the quotations made by Herbert 278

Stephen's Green, Dublin, 1798 281

Dr. Thomas Addis Emmet in 1880, visiting for the first time the grave in Glasnevin churchyard claimed to be that of Robert Emmet . . 284

St. Peter's Church on Aungier Street, where the Emmet burial vault was placed 285

Mural tablet placed in St. Peter's Church, Dublin 287

Interior of Trevor's vault, under St. Paul's Church, Dublin, showing the supposed remains of Robert Emmet 296

Robert Holmes, as he appeared at John Mitchel's trial, from the Irish Tribune, June 17, 1848 320

Supposed sketch of Mrs. Holmes 327

Facsimile of cablegram from Messrs. McCarthy and Dillon, asking for funds 330

Facsimile of cablegram from the Committee of the National Federation thanking Dr. Emmet for the fifty thousand dollars sent from the Irish National Federation of America, which secured Mr. Gladstone's election 331
Map of Dublin, showing the route taken by Robert Emmet to the place of execution, and the situation of the depôts, churches and other points mentioned in the text 334
Tombstone of Christopher Emett in the parish churchyard at Tipperary, Ireland 343
Pedigree of the Emmott family of Emmott Hall, near Colne, Co. Pal. Lancashire, England 347
Portrait of Robert Fulton painted by Miss Elizabeth Emmet (Mrs. W. H. Le Roy); the same as engraved by Leney, altered plate published by Delaplaine as after Benjamin West 525
Miniature of Fulton painted by himself after Miss Emmet's portrait . 527

The will of the people is the only earthly authority which can rightfully constitute civil government. This will be absolute and independent of human convention.

Robert Holmes.

The Rebellion of 1798 was wickedly provoked, rashly begun, and cruelly crushed.

Earl Russell.

The last ten years of the eighteenth century will furnish to the historian by far the most important events which have yet marked the progress of the human race. The events which have been crowded into this short period are not only in themselves deeply interesting to the present generation, but will probably be viewed in their effect at no distant era as decisive of the future destinies of every nation upon earth.

T. A. Emmet, 1800.

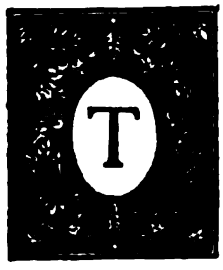
Do you see nothing in that America but the graves and prisons of our armies? What you trample on in Europe will sting you in America. *Grattan to Pitt.*

Slaves to their superiors but tyrants to their inferiors, these needy adventurers [small landlords and yeomanry] became the tools of prevailing power.

Hay.

Introduction

Dr. Madden's comment on Robert Emmet—Memoir from the French of the Countess d'Haussonville—Robert Emmet, by Adalbert Huhn.



HERE have been among the United Irishmen persons of greater intellectual powers than Robert Emmet—better qualified, certainly, to carry into successful execution very great designs—and Theobald Wolfe Tone pre-eminently was one of these—but none of them so extensively, so permanently engaged the sympathies of the people for their sufferings or their fate, as the young man, who perished in the last struggle for their cause. This peculiar interest in his memory is attributable, in some degree, to the well-known episode in his career, strange and mournful as some fiction of romance, that is connected with the name of Sarah Curran, and the story of the broken heart; but mainly to his singleness of purpose, his simplicity of character, his noble talents, his generous nature, his purity of mind, the prestige of his name, and, above all, that ardent patriotism that was the ruling passion of his life, and the animating principle of his conduct in the dock, in the dungeon, on the scaffold—conduct never to be forgotten by those who witnessed it—a subject of mournful interest, and admiration, too, for all who read it.

It was surely no ordinary conduct, on the threshold of the grave, which extorted eulogy from the lord lieutenant of Ireland, and an admission such as we find in a despatch to his government, in reference to the state trials of 1803, namely that "Emmet seemed to have been animated by a sentiment of magnanimity, with which (whatever his crimes may have been) he certainly conducted himself on that solemn occasion."

There was so much in the generous, kindly, noble nature of Robert Emmet that was to be loved; in his talents to be admired; in the simplicity, truthfulness, honesty of purpose, and purity of intention to respect; that his character can afford to dispense with all exaggeration and prepossession, in our estimate of him, and bear to have his defects freely canvassed by those who are competent to take them into consideration.

A great deal that is prejudicial to the memory of Robert Emmet has been spoken of him, and thought of him—not in malice, but in ignorance of the affairs of 1803, and his connection with them.

In Ireland, constituted as intellectual society is, and connected as its tastes and tone of thought are with England's imperialism in political literature and imperiousness of opinion in all matters relating to Irish interests, it can hardly be wondered at, that the memory of Robert Emmet should be regarded as it is by the higher classes—with a kind of contemptuous pity—and spoken of slightingly, always, invariably. In a letter which was addressed to me very recently by one of England's most illustrious men—illustrious, I mean, for powers of intellect of the highest order—one certainly deserving of being considered foremost, if not first, in the rank of men entitled to be called master-spirits of the age—I was struck with surprise, I confess (bearing in mind by whom I was ad-

dressed) to find that injurious and erroneous opinion of Robert Emmet's intellectual character and of the motives by which he was actuated, expressed in terms which could not be stronger than they were. A single passage from the communication I refer to may be cited and found sufficient to show how much remains to be known in England, by the best informed Englishmen in general, on subjects relating to Ireland and in regard to persons connected with its history—"I fear the vanity of a young man with no principle, was his [Robert Emmet's] ruling motive in the murderous affair of 1803. I have a much better opinion of his brother." If vanity were indeed the ruling motive of the conduct of Robert Emmet in 1803, want of principle must necessarily be implied and associated with the termination of an insurrection in "a murderous affair". But the supposition of vanity being the ruling motive of Robert Emmet in his engagements in that conspiracy, is wholly founded on the idea that the originator, the *primum mobile*, the contriver and concoctor of that conspiracy and the only person of rank and station cognizant of it, and a party to its objects, councils and designs, was Robert Emmet.

Let us bear in mind the words which Robert Emmet addressed to Lord Norbury on his trial, and give them all the weight which is legitimately due to them.

"I have been charged with that importance in the efforts to emancipate my country as to be considered the key-stone of the combination of Irishmen, or, as it has been expressed 'the life and blood of this conspiracy'. You do me honour overmuch; you have given to the subaltern all the credit of the superior. There are men concerned in this conspiracy who are not only superior to me, but even to your own conceptions of yourself, my lord—men before the splendour of whose genius and virtues I should bow with respectful deference, &c."

There is no doubt that the conspiracy of 1803 originated, not with Roberf Emmet, but with parties in Ireland who contrived to keep their real objects undiscovered and their names, too, unrevealed—who managed to have projects of renewed rebellion taken up by leaders of 1798 who had escaped expatriation—men not of the highest order, intellectually or morally—who, having remained in Ireland, found means to enter into communication with some of the principal leaders then in France, and through them with the First Consul and his ministers. We have sufficient documentary evidence in this volume, that encouragement was given in France to their applications for aid and cooperation, in the event of war breaking out between France and England.

I find such eminent men as T. A. Emmet, General Lawless, Colonel Allen, General Corbet, Colonel Byrne, not only cognizant of the projects and communication I refer to in the latter part of 1802, but in favour of them. As much may be said of many eminent individuals in those countries, to the list of whom the English peerage even has contributed a nobleman of great wealth and influence, the military profession an officer of high rank and character, and the church, too, more than one divine.

Were men of their stamp likely to countenance the projects of a vain young man devoid of principle?

Vanity, in the ordinary acceptation of the word, denotes an exaggerated opinion of one's own importance, powers, and capabilities, and a morbid ambition for notoriety and distinction that actuates the conduct, and influences the motives of a man who has false conceptions, not only of things that are internal, but of objects that are external, and makes himself ridiculous or contemptible by the extent of the absurdity of his inordinate self-love, or criminal, when that passion so predominates as to endanger society, by any reckless presumption in its efforts, to obtain a position that is false for its fictitious merits.

When a man employs means that are inadequate for the attainment of a special object he has in view, they are ineffectual, but their fruitlessness does not necessarily imply vanity. The character and quality of the object determines chiefly the nature of the efforts for its attainment. If the object be bad, nothing can be good in the efforts for it. If the object be good, the character of the means for its accomplishment will be determined by their success; but it ought to be determined by the consideration of the reasonableness of the expectation of success, and the legitimacy of the means employed

for its attainment. Johnson says: "It is laudable to attempt great things, even when the achievement of them is beyond the strength that undertakes them." But I know well, in attempted revolutions, when great failures involve great sufferings, and the good that is looked for, to the grandest efforts is problematical and precarious, the issue doubtful, and the danger certain—not to one man or a hundred, but to an entire community—tremendous responsibilities are incurred by those who hazard efforts of a revolutionary character.

The question in England in relation to revolts is not the right of resistance to a bad government, but the result of the struggle against it. Whenever that struggle is successful, it is argued the cause of the revolted deserves to be successful; when it fails the doctrine is preached of the vanity and folly of all resistance to constituted authority.

Nothing is easier than to discredit efforts of any kind that have failed; and no means of hurting them are more likely to suggest themselves to people who are proud of their own prosperity and independence, than to accuse the unsuccessful of being vain, light-minded, and unprincipled.

Perhaps, with the exception of Thomas Addis Emmet, there was not an individual connected with the Society of United Irishmen less justly chargeable with vanity than Robert Emmet.

The companions of his youth, the friends most intimately acquainted with him, and who had cognizance of all his acts and thoughts throughout his whole career, in private life, in college, in all his relations with the leaders of the United Irishmen, whether at Fort George, on the Continent, or those who embarked with him in his last unfortunate and ill-advised enterprise—are of one opinion as to the utter absence of selfishness, self-seeking, conceit, or anything bordering on vanity in his character. He was an enthusiast indeed; but his enthusiasm was that of a young man of an ardent temperament, of genius, of a generous nature, of strong convictions, and of heroic aspirations. To him nothing was wanting but the experience and wisdom which time and reflection bring with them, knowledge of men and the world, and the influence on that kind of knowledge of religious feelings early planted in the mind for the establishment of the principles and matured intellect of a finished man. Had Providence been pleased to have assigned such advantages to the career of Robert Emmet, which terminated as it did, on the scaffold, at the age of five and twenty—we might have had in him a man perhaps superior, at least in no respect inferior, in talent and in worth to any of those famous lords and prelates who figured in the revolution of 1688. Fortunately for their fame, they were successful rebels. If any of them, however, had been vain men, actuated by small, ambitious motives, who sought their own personal interests, or selfish advantages in the work of overturning the constitution of the realm, dethroning their sovereign, and reforming the State altogether, no doubt my Lord Macaulay would have eulogised them all the same, in eloquent language. But they succeeded, and their success was sufficient for their vindication in the glowing pages of his gorgeous history.

Before the last catastrophe and the worst calamity of all had fallen on the family of Dr. Emmet, in the latter part of the year 1802, the poor old man—the father of Temple Emmet, who had been prematurely taken away from him; of Thomas Addis Emmet, who was in banishment; of Robert Emmet, who was then proscribed, suspected, lost to his home, and driven into desperate courses—indeed might have said, like Burke: "I am alone, and have none to meet my enemies in the gate. The storm has gone over me, and I am like one of these old oaks which the late hurricane has scattered about me. I am stripped of all my honours. I am torn up by the roots, and am prostrate on the earth. And prostrate there I most unfeignedly recognize the divine justice, and in some degree submit to it".*

But all these observations would be a mere mass of vain and futile words, if the main question that concerns the memory of Robert Emmet was blinked, or dealt with

*Burke's Letter to a Noble Lord, 1796.

disingenuously: were the circumstances of the country, in 1803, the evils endured by the people, the means that were available for an effort to redress them, of such a nature as would justify a man of moral principles, of sober mind, of a sound judgment, in concocting a conspiracy like that of 1803, and committing the country to its perils?

When the details of the history of this insurrection have been laid before the reader, this question only can be fairly dealt with and determined; and at the conclusion of this memoir, so I trust it will be found to have been treated.

Is the writer of these pages qualified to be the biographer of Robert Emmet? It would be a miserable affectation of humility to pretend that I felt myself incompetent for the task I have undertaken. If I set forth such a pretence, my undertaking would contradict me. My chief hope for its success however is, that it may be judged not by the amount of literary ability, but of labour and research that I have brought to the performance. Its principal value consists in the documentary information which will be found in it. The authenticity of that information I have had occasion to speak of in the preceding memoir.

The documents which I have received from the sons of T. A. Emmet will be found the most valuable of any of the materials of these volumes. I have alluded elsewhere to the communication which accompanied them: the possession of documents of such importance, and the permission of the nearest living relative of Robert Emmet to make use of them, in the furtherance of this portion of my work, afford me advantages and a sanction which, I presume, are sufficient to justify an undertaking which I feel to be of great responsibility.*

The writer could not express his own sense of responsibility in more appropriate words than those used by Dr. Madden. But he knows he now possesses advantages which were unavailable to Dr. Madden and is in possession of means by which much then absent can now be understood.

The Countess d'Haussonville has written of Robert Emmet:

But the most celebrated of the three brothers, the one whose genius, character, and tragic fate were to excite the interest of posterity, by more titles than one, was the young and unfortunate Robert Emmet.

If it be true, as has been remarked, that distinguished men are especially the sons of their mothers, it would be interesting to trace, in the particular constitution of their

---

*The reference is to a sketch of the life of Mr. Emmet written by his son Thomas for Dr. Madden's use, which, on being returned, came into the possession of the writer, after the greater portion had been incorporated by Madden in his book, as the son had written it and without giving him any special credit. In his ignorance of Irish history, Thomas Addis Emmet, Jr., omitted much of importance, of which Dr. Madden consequently was ignorant, but which the writer has placed on record in these volumes. This circumstance needs to be made clear to the reader.

After he came to this country Mr. Emmet never made a voluntary reference to his past life, and on several occasions he was emphatic in the expression of his wish that the history of his family should begin after his arrival in the United States, and the portion in relation to Ireland might be forgotten as soon as possible. With the loss of his brother Robert, his father, mother, sister and so many friends after his arrest; the suffering endured during portions of his imprisonment extending over four years, through the perfidious and spiteful action of the English Government, not to mention his loss of fortune, and, beyond all other consideration, the apparently hopeless condition of his native country, there remained nothing in connection with Ireland which he could recall save in sorrow. As a consequence Mr. Emmet's family remained absolutely ignorant of all Irish history, and beyond what might be recalled through some extraneous circumstances, chiefly in connection with their pleasant life at Fort George, much was forgotten in relation to their own experience. As a consequence the writer cannot recall ever hearing one of his uncles or aunts voluntarily refer to Ireland, or their father's history. They all become even more reticent with advancing age, and although their relation with the writer was always the same as with one of their own children, he was often severely rebuked for what he was told was "an effort to revive a knowledge of disagreeable things long forgotten, and not of the slightest interest to any one". This was particularly the case with his uncles, who as they grew older, were dominated by the live interests of their adopted country.

It was natural under these circumstances that Mr. Emmet's sons in middle life, should have collated for Dr. Madden's use only the bare facts, omitting the mention of all incidents of a disagreeable nature as being of no public interest.

Peace to them, of loving memory and the exponents of all that was noble in human nature; had they lived to read what the author has recorded in these volumes, not one of the older members of the family, with the exception of his father, would have been to the slightest degree in accord. To them England and Ireland would have seemed inseparable.

intellect and character, that feminine element which often seems in strange contrast with the destiny of their lives. Robert Emmet's father was a man of ordinary, but vigorous understanding; some of his mother's letters, published in the life of Thomas Addis Emmet, reveal to us a delicate and proud nature, a lively sensibility and a penetrating intellect. Of her three children, Robert, the youngest, resembled her most; he was born long after the others, when her youth was already past, and when her eldest son had reached the age of manhood; the love she bore to this, her third [18th child] and last born son inspired her with especial solicitude, to which he responded even beyond all her expectations.

This life of Robert Emmet was remarkably well written in 1858 and published in French by the author, the Comtesse d'Haussonville, a granddaughter of Madame de Staël. The talented authoress possessed not only an accurate knowledge of the period of Irish history of which she wrote, but her interest in the subject was doubtless strengthened by her traditional knowledge. Her grandmother and probably her mother were intimate friends of both Thomas Addis and his brother Robert, and as Madame de Staël was personally known to their father in early life, their acquaintance was doubtless due to this fact. How the granddaughter obtained her knowledge of Mrs. Emmet's character can only be explained on the supposition that the Countess d'Haussonville before her marriage had visited the Emmet family in Dublin, as did many others of their French friends.

The style of her writing has been fully preserved in the translation by John P. Leonard, but in the French it will remain a classic. The English translation was published at different times in New York and abroad, but it has nevertheless become very scarce. In the original French the work had a remarkably large sale, as shown by the fact that the copy owned by the writer belongs to the twelfth Paris edition. Probably few biographical works were ever issued which reached so large a number of persons, who from their ignorance of English, would otherwise have remained ignorant of Robert Emmet's history and purpose. It was published just after the great republican upheaval in Europe, which had passed as a tidal-wave over the civilized world, showing that the work was all the more appreciated.

The authoress summarized Robert Emmet's character as having

exhibited at an early age, rare and brilliant faculties, a singular blending of enthusiasm and sagacity, a great power of concentration, an ardent and poetical fancy, combined with an exact and penetrating intellect—which made him equally fit for literary and scientific pursuits. He distinguished himself, also, by an indomitable energy of will, united to great gentleness of disposition—a combination always typical of the truly heroic character. It is not uninteresting to observe how the first trials of superior minds are marked even from childhood.

The only German work dealing with the life of Robert Emmet and the events in Ireland at the end of the eighteenth and the beginning of the nineteenth centuries, appears to be a small book entitled "Robert Emmet. A Narrative from the History of Ireland by Adalbert Huhn" (Robert Emmet. Eine Erzählung aus der Geschichte Irland's von Adalbert Huhn) published in

Munich, Bavaria, in 1874. On the title page appear in English the well-known patriotic lines of Thomas Osborne Davis:

> She's not a dull or cold land—
> No! She's a warm and bold land!
> Oh! She's a true and old land—
> This native land of mine.

This page also bears a portrait of Robert Emmet, which has little resemblance to Brocas' engraving, worked up from a sketch supposed to have been taken at his trial.

The opening chapter sympathetically sketches the afflictions of Ireland in the following language:

> As there are unlucky men, so there are unfortunate nations. So many men seem to be pursued by misfortune from the cradle to the grave, and yet—how many grand and sublime moments are often found in a life such as is called an unlucky existence! This grandeur and sublimity fail such a life as often as not when one regards it only from the earthly point of view; but how much less would it be so if one understood how to calculate it with supernatural and eternal elements?
>
> This is as true of the life of the individual man as of the life of the nation.
>
> Among all the nations of Europe there is none which can be so rightfully called an unlucky people as the people of Ireland. This nation has not only to submit to injury but also to mockery. One must have seen with what thoughtless scoffing and contempt the arrogant Englishman speaks of the "stupid Hibernian"; but this Englishman does not consider that his forefathers for six centuries have worked in the most miserable way for the spiritual ruin of this nation. The proud Englishman speaks with derision of the poverty-stricken Irish mud cabin, in which the Irish peasant lives with his family and sometimes with his pig; but he does not reflect that bandits and thieves are almost heroes in comparison with his ancestors who, during six long centuries, have taken all and everything from the poor Irish. The insolent Englishman speaks in disdainful tones of the discontented people on the other side of the St. George's Channel; but he does not remember that it was his forefathers who have given the unhappy Irish thousands and thousands of grounds for discontent.

The author then divides the history of Ireland into four periods: 1st, The Rule of the Sword; 2nd, The Religious Domination; 3rd, The Rule of Law; 4th, The Rule of the Majority. Dealing with the successive periods, he shows how, during the first, in spite of the efforts of the Irish to defend themselves, they were ultimately trodden under the iron heels of the English Conqueror; during the second, beginning with the time of Henry VIII, the religious persecutions and civil disabilities continued, with their proscriptions and outrages on every class of the native population, down to the time of the French Revolution and the robbery of Ireland of her parliamentary independence.

The second chapter tells of the Whiteboys and "Captain Rock"; the third sketches the Irish woman of the time with feeling appreciation of her share in the general suffering; and the fourth, headed "The First Defence", taking the year 1800 as the point of survey, speaks of it as fateful for Ireland. The American War of Independence and the French Revolution had projected their explosive rays into Ireland, and the English government had decided that only a Union could avert Irish independence, with separation and all the political

and other consequences that could flow from it. In narrative form, the story of the corruption by which Ireland was betrayed and the Union effected, is told, and the names of Thomas Addis Emmet and Robert appear on the scene with the events of 1798 and the movement for an Irish Republic and separation from Great Britain.

The influence of Thomas Addis Emmet on his younger brother is especially dwelt on, and is regarded as responsible for the course the latter took which led to the scaffold. The early life of Robert Emmet is described in detail, but a mistake is made as to the year of his birth which is given as 1782, instead of 1778. The kindling of the flame within him is tersely put in the sentence;—"The whole life and spirit of impulse of the elder brother made a mighty impression on Robert".*

Chapter five deals with the United Irishmen and their failure to bring to fruition the seed of harmony and brotherhood planted in the institution of the Society; and with the progress of Robert Emmet's political development in which his courage and loyalty of character, coupled with his manly spirit and ripe judgment, made him the leading spirit of the movement.† The names of Sarah Curran, of Anne Devlin and of Michael Dwyer, the "King of the Mountain" (*der Bergkönig*), who is compared with Andreas Hofer, the hero of the Tyrol, enter into the narrative which, at this point, runs into romance, the details, however, adhering generally to historic fact. It then moves on to the preparations for the rising of 1803 and the difficulties encountered, and the association of Thomas Russell with Robert Emmet.

The following and concluding chapters, with material taken from the records of the time, contain the account of the rising in Dublin, its failure, Robert Emmet's betrayal and capture by Major Sirr; his trial, with the memorable speech from the dock and his sentence and execution.‡ The little book throughout is in the fullest sympathy with the people of Ireland and, with perfect insight into the underlying causes of the failure of her past struggles for emancipation from foreign oppression, as heavy now as ever, though changed in method, attributes them to the blighting influences and merciless savagery of English domination.

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*"Das ganze Leben und Treiben des aelteren Bruders, hatte auf Robert einen maechtigen Eindruck gemacht." (Chap. iv, p. 42.)

†"Robert Emmet war vielleicht der jungste der Ganzen Gesellschaft; aber man kannte seine männlichen Gesinnungen, seinen reifen Verstand, seinen Muth und seine Treue; diess machte ihn zur leitenden Seele des Bundes, und namentlich jetzt, wo er nur auf einige Stunden anwesend sein konnte bewegte sich das ganze Interresse und Gespraeche um ihn." (Chap. v, p. 88.)

‡Their titles indicate the downward progression of the movement:—"Hazarded"; "Deceived"; "Lost"; "Broken".

That England, being empty of defense, hath shook and trembled at the ill neighbourhood.
Shakespeare, Henry IV.

To increase the commerce of England seemed sufficient motive and justification for the foulest injustice and most licentious despotism towards other nations, and its own dependencies.
T. A. Emmet, 1798.

From Ireland am I come amaine to signify that rebels there are up.
Shakespeare, 2. Henry IV.

It necessarily must happen, when one country is connected with another, that the interests of the lesser will be borne down by those of the greater.

Lord Castlereagh.

Robert Emmet

The interests of Ireland were in charge of the country members of Parliament, whom it is said Castlereagh urged, that by their votes they should not turn their backs on themselves!

From my earliest youth I have regarded the connection between Ireland and Great Britain as the curse of the Irish nation, and felt convinced that while it lasted this country could never be free or happy.

Theobald Wolfe Tone.

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THE COLLEGE OF SURGEONS, DUBLIN. EMMET RESIDENCE

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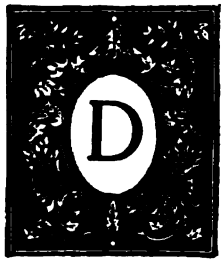
City Residence of Dr. Emmet and Birth-place of Robert Emmet,
100 Stephen's Green

The Irish people know that the charter of their country's liberty has been written by the hand of God, and that of man can never efface the sublime record.
Rev. Patrick F. Kavanagh, "The Insurrection of 1798".

Chapter I

Robert Emmet—His birth and childhood—Early intellectual maturity—A student of Locke at fourteen—Enters Trinity College at fifteen—Talent for exact sciences and chemistry—High estimate of him by Madden and Moore—Prefers action to talking and writing—Literary efforts—"Erin's Call", written at age of twelve—Indifference to suffering evidenced when accidentally poisoned with corrosive sublimate—Physique slight and delicate, but endowed with great nervous energy—Character simple and free from affectation—Description by Trinity College professor unflattering—Information given to police—At twenty adopts principles of the United Irishmen—Resigns from Trinity College—Expulsion of students for political reasons—Refusal to inculpate fellow-students—Total absence of vanity—Barred from professional life by the action of Trinity College—Thomas Moore's account of Emmet's course and standing in the Historical Society—Exceptional popularity of Emmet family among poorer classes—Reflection of their great practical sympathy with them—Injustice of Trinity towards Robert—Another cause—Veneration for his memory increases with time—His failure forgotten in the greatness of his sacrifice.



R. ROBERT EMMET was the father of seventeen children, all but four of whom died in childhood. Five were christened Robert, and of these four died in infancy. The survivor and subject of the present consideration was born in the family residence, 100 Stephen's Green, near the corner of York-street, Dublin, on March 4th, 1778, and he was the youngest of the family.

From infancy to manhood his life was passed in good health, and while he never seemed very strong physically, being rather slight and under-sized, he was athletic and possessed a great deal of reserve strength and endurance. He was precocious as a child, and at an age earlier than usual he was placed at Oswald's School in Dapping's Court, near Golden Lane and Bride's Street, a school famous for its success in teaching mathematics.

From the beginning this child was noted for his readiness in acquiring knowledge; he was always in advance of his class, and he maintained this position until he left school. After he had made some advance in his studies, he became, for reasons not now known, a pupil under Samuel White, who conducted a school in Grafton Street, which was equally noted. Judging from the name, which was found frequently in connection with the name of his

grandfather Christopher, White was possibly a distant relative. Finally, previous to entering Trinity College, Robert Emmet came under the care of the Rev. Mr. Lewis of Camden Street.

At this time the character of his reading was far different from and in advance of that in which most youths of the same age would voluntarily take an interest. The writer has in his possession an octavo volume of Locke's work "On the Human Understanding". About half the work is devoted to "Government". This portion Robert Emmet not only read, as we will show hereafter, but studied critically and in a more mature manner than the average intellect could do at any period of life. This is known to have been his work while in his fourteenth year.

Robert Emmet became a student of Trinity College, Dublin, in his fifteenth year, on October 7th, 1793, and the Rev. Mr. Graves became his tutor. From the beginning of his collegiate course he took, without effort, the highest position, thus giving promise of as brilliant a record as was attained by his brothers.

The first evidence as to the possession of any special talent was for the exact sciences; in the study of mathematics and chemistry, and particularly in chemistry, he developed a great proficiency. We exclude all reference to the study of the ancient languages and French.

A knowledge of Latin and French seems to have been acquired with the alphabet, while the facility to speak both was gained by the children of this family, together with their English, as Latin and French were the languages commonly used by Dr. Emmet's family in their intercourse, Irish being spoken to the servants, and English seldom used, except in social life.

Robert Emmet's taste for chemistry was so great that he constructed a laboratory in his father's house, where he worked in the interval between the residence and sessions at college.

Dr. Madden states:

> Robert Emmet, in his early days and college career, is thus spoken of by a Protestant clergyman of great eminence as a pulpit orator in Dublin, some forty years ago— Rev. Archibald Douglas, nephew of Sir Edward Crosbie, in a letter to me dated 6th November, 1842:—"With Robert Emmet I was most intimate before he entered College and after. Indeed in his young days he almost lived in our house. So gifted a creature does not appear in a thousand years. The whole family were distinguished for talent of the highest order."

Thomas Moore, the poet, was both at school and at college with Robert Emmet, and in his "Life and Death of Lord Edward Fitzgerald" he writes:

> Were I to number, indeed, the men among all I have ever known, who appeared to me to combine in the greatest degree pure moral worth with intellectual power, I should, among the highest of the few, place Robert Emmet. Wholly free from the follies and frailties of youth—though capable he was of the most devoted passion, events afterwards proved—the pursuit of science, in which he eminently distinguished himself, seemed at this time the only object that at all divided his thoughts with that enthusiasm for Irish freedom which in him, was an hereditary as well as a national feeling, himself being the second martyr his father had given to the cause.

Reasons, why one Man may lawfully do harm to another, which is that we call *Punishment*. In transgressing the Law of Nature, the Offender declares himself to live by another Rule than that of Reason and common Equity, which is that measure God has set to the Actions of Men, for their mutual Security; and so he becomes dangerous to Mankind, the Tie, which is to secure them from Injury and Violence, being slighted and broken by him. Which being a Trespass against the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every Man upon this Score, by the Right he hath to preserve Mankind in general, may restrain, or, where it is necessary, destroy things noxious to them, and so may bring such Evil on any one, who hath transgressed that Law, as may make him repent the doing of it, and thereby deter him, and, by his Example, others, from doing the like Mischief. And in this Case, and upon this Ground, *every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature.*

§ 9. I doubt not but this will seem a very strange Doctrine to some Men: But before they condemn it, I desire them to resolve me, by what Right any Prince or State can put to death or *punish an Alien*, for any Crime he commits in their Country? 'Tis certain their Laws, by virtue of any Sanction they receive from the promulgated Will of the Legislative, reach not a Stranger: They speak not to him, nor, if they did, is he bound to hearken to them. The legislative Authority, by which they are in Force over the Subjects of that Commonwealth, hath no Power over him. Those who have the supreme Power of making Laws in *England*, *France*, or *Holland*, are to an *Indian* but like the rest of the World, Men without Authority: And therefore, if by the Law of Nature, every Man hath not a Power to punish Offences against it, as he soberly judges the Case to require, I see not how

how the Magistrates of any Community can *punish* an *Alien* of another Country; since in Reference to him, they can have no more Power than what every Man naturally may have over another.

§ 10. Besides the Crime, which consists in violating the Law, and varying from the right Rule of Reason, whereby a Man so far becomes degenerate, and declares himself to quit the Principles of human Nature, and to be a noxious Creature, there is commonly *Injury* done, some Person or other, some other Man receives Damage by his Transgression; in which Case he who hath received any Damage, has besides the Right of Punishment common to him with other Men, a particular Right to seek *Reparation* from him that has done it. And any other Person who finds it just, may also join with him that is injured, and assist him in recovering from the Offender so much as may make Satisfaction for the Harm he has suffered.

§ 11. From these *two distinct Rights*, the one of *punishing* the Crime *for restraint*, and preventing the like Offence, which Right of punishing is in every Body; the other of taking *Reparation*, which belongs only to the injured Party, comes it to pass, that the Magistrate, who by being Magistrate, hath the common Right of punishing put into his Hands, can often, where the publick Good demands not the Execution of the Law, *remit* the Punishment of criminal Offences by his own Authority, but yet cannot *remit* the Satisfaction due to any private Man, for the Damage he has received. That, he who has suffered the Damage has a Right to demand in his own Name, and he alone can remit: The damnified Person has this Power of appropriating to himself the Goods or Service of the Offender, *by Right of Self-preservation*, as every Man has a Power to punish the Crime, to prevent its being committed again, *by the Right he has of preserving all Mankind*,

A PAGE FROM LOCKE'S WORK SHOWING ROBERT EMMET'S ANNOTATIONS

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Simple in all his habits, and with a repose of look and manner indicating but little movement within, it was only when the spring was touched that set his feelings, and through them his intellect, in motion, that he at all rose above the level of ordinary men.

Emmet took a leading part in the debates of the historical society. Of his eloquence Thomas Moore wrote:

I have heard little since that appeared to me of a loftier, or what is a far more rare quality in Irish eloquence, a purer strain; and the effect it produced, as well from its own exciting power, as from the susceptibility with which his audience caught up every allusion to passing events, was such as to attract at least the serious attention of the Fellows.

Some fervid writings of Moore and of Walsh, the author of "Ireland Sixty Years Ago", were in truth the cause of the college visitation:

I have conversed [says Madden] with many persons who had heard him [Robert Emmet] speak in these societies, some of them of very decided Tory politics, but I never heard but one opinion expressed, of the transcendent oratorial powers he possessed there ("United Irishmen," 3d series).

Thomas Moore, in his Memoir, mentions having written a letter to the students of the University, which he published in "The Press," the organ of the United Irishmen:

A few days after [the publication of this letter], in the course of one of those strolls into the country which Emmet and I used to take together, our conversation turned upon this letter, and I gave him to understand it was mine; when with that almost feminine gentleness of manner which he possessed, and which is so often found in such determined spirits, he owned to me that on reading the letter, though pleased with its contents, he could not help regretting that the public attention had been thus drawn to the politics of the university, as it might have the effect of awakening the vigilance of the college authorities, and frustrate the progress of the good work (as we both considered it) which was going on there so quietly. Even then, boyish as my own mind was, I could not help being struck with the manliness of the view which I saw he took of what men ought to do in such times, and circumstances, namely not to *talk* or *write* about their intentions, but to act. He had never before, I think, in conversation with me, alluded to the existence of the United Irish Societies in College, nor did he now or at any subsequent time make any proposition to me to join in them, a forbearance which I attribute a good deal to his knowledge of the watchful anxiety about me which prevailed at home, and his seeing the difficulty I should experience from being, as the phrase is, constantly tied to my mother's apron string in attending the meetings of the society without being discovered.

He was altogether a noble fellow, and as full of imagination and tenderness of heart as of manly daring. He used frequently to sit by me at the piano-forte, while I played over the airs from Bunting's Irish collection; and I remember one day when we were thus employed, his starting up, as if from a reverie, while I was playing the spirited air "Let Erin remember the days of old", and exclaiming passionately, "Oh, that I were at the head of twenty thousand men marching to that air"! . . .

According to family tradition Robert Emmet wrote the following, which is considered to have been his first effort, at about twelve years of age:

Heroic Endurance

ERIN'S CALL

Brothers arise! Our country calls—
  Let us gain her rights or Die;
In her cause who nobly falls,
  Decked with brightest wreaths shall lie;
And Freedom's genius o'er his bier
Shall place the wreath and drop a tear.

Long by England's power opprest,
  Groaning long beneath her chain,
England's ill-used power detest;
  Burst her yoke; your rights regain;
The standard raise to liberty—
Ireland! you shall be free.

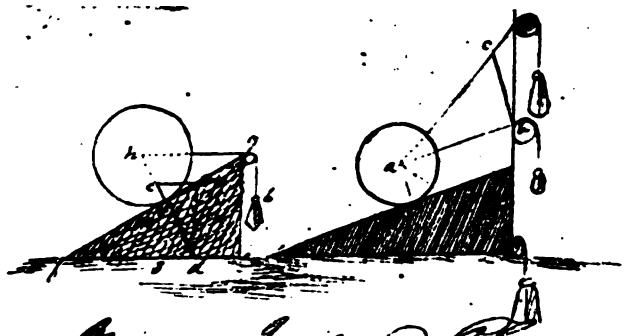
Brothers, march, march on to glory—
  In your country's cause unite;
Freedom's blessing see before you—
  Erin's sons, for freedom fight:
England's legions we defy
We swear to conquer or to die.

When Robert Emmet was about fourteen years of age he accidentally poisoned himself, and in meeting the consequence he clearly indicated, even at so early an age, his self-reliance and strength of character. The Countess d'Haussonville's graphic recital of the incident is clearer in detail than that given by Dr. Madden, who first printed an account of the accident, as he received it from Mr. T. A. Emmet, Jr., of New York, and as afterwards corroborated by Mr. Patten, who was an inmate of Dr. Emmet's house at the time. The Countess d'Haussonville wrote:

From an early period he had a passion for the severe sciences. Mathematics and chemistry were from the age of twelve years his favorite studies.

She then narrates the incident so generally quoted and which she may have heard from her mother:

He was accustomed to make chemical experiments in his father's house. After one of these experiments, he applied himself to study a book of algebra, and endeavoured to solve the problem which, by the author's admission, was of extreme difficulty. Absorbed in his study, he imprudently raised his hand to his mouth, and poisoned himself with some corrosive sublimate, which he had been handling a few moments before. The violent pain he felt immediately informed him of his danger, and the cause of his sufferings. Nevertheless, fearing that, as a punishment for his imprudence he should for the future be forbidden to make these dangerous experiments, he was not willing to let anybody know it; but went down to his father's library, took a volume of the Encyclopedia, and found under the article Poisons, that chalk, mixed with water, was recommended as a remedy in such cases. [An Encyclopedia of the present day would recommend more efficient means.] Recollecting that he had seen some chalk in a coach house on the premises he went down to the yard, broke in the door of the coach house, which was closed, succeeded in finding the chalk, made use of it, and tranquilly resumed the study of the problem, on which he was engaged.

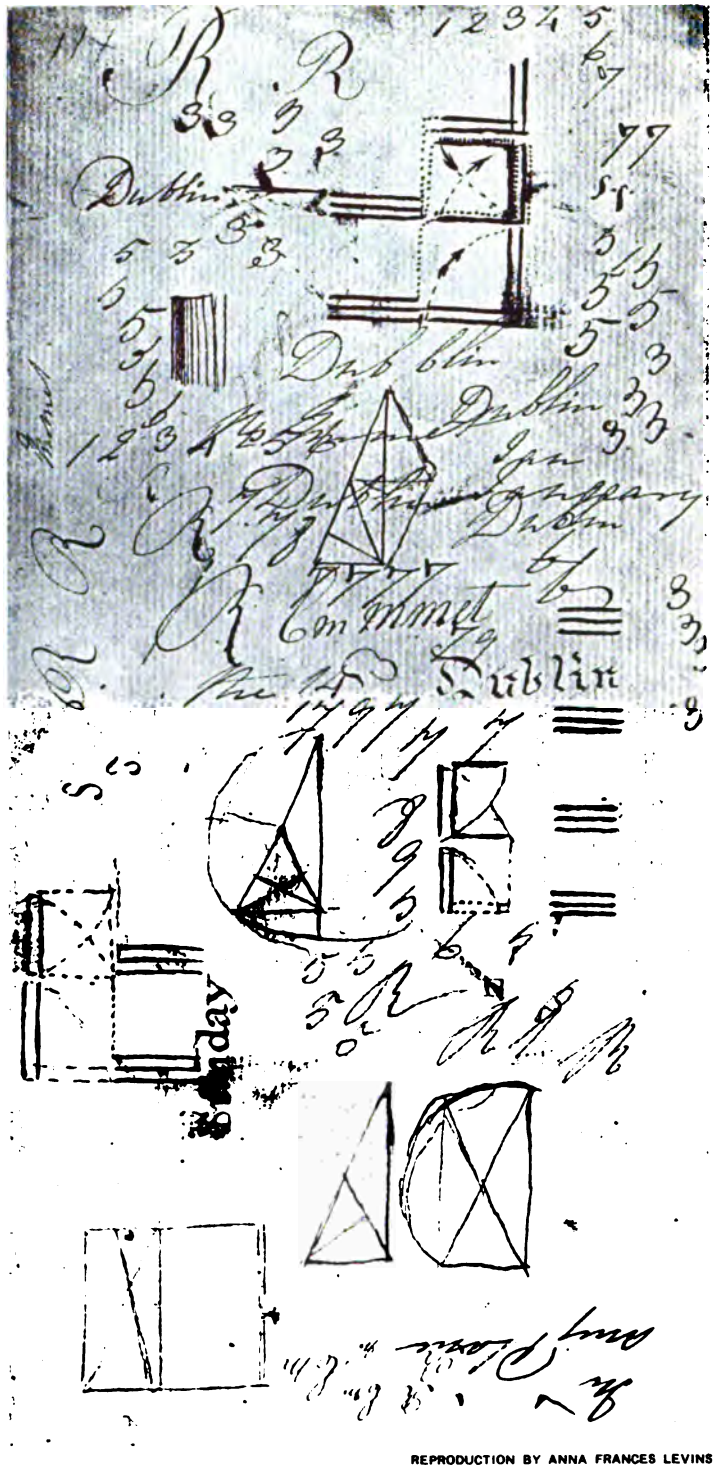


On any Inclined Plane if the Power does not act in a direction parallell to the length of the Power which does act in that direction be made the Base of another Inclined Plane whose Elevation is to the angle which the oblique Power forms with the parallell one then the former Power must be to the latter as Radius to the sine of the angle of Inclination

The Parallell direction is the only one in which there is no force lost for in every other direction some of the force is lost either in overcoming the Resistance or Gravity

REPRODUCTION BY ANNA FRANCES LEVINS

From a note book used by Robert Emmet while at Trinity College


Dublin
Dublin
Dublin

The next morning his teacher, Dr. Lewis, observing him at breakfast with such an expression of extreme suffering in his face that he was scarcely to be recognized, questioned him anxiously, and obtained from him the avowal that he had passed the whole night in cruel tortures, but that profiting by his inability to sleep he had nevertheless continued to study his problem, and had solved it.

Doctor Lewis to whom the education of Robert Emmet was confided was an intelligent Protestant clergyman of broad and liberal mind. He took great pleasure in cultivating the varied talents of his pupil's fertile mind, and was, it is said, the first to inspire him with a hatred for intolerance and religious oppression. Dr. Emmet's views were so clearly defined that had Dr. Lewis held any other he would never have obtained his position as tutor.

The Countess d'Haussonville gives a description of Robert Emmet's appearance, which is of value through being based on tradition received from the Countess's grandmother, Madame de Staël, who knew him well. The Countess continues:

"The first days of Spring", says Vauvenargues, "are less lovely than the dawning virtue of a young man". . . . Robert Emmet in early youth, already united with the graces of adolescence, the serious qualities of mature age. He was above the middle stature, rather slight and delicate, although endowed with nervous strength which enabled him easily to support great fatigue. He walked with a quick step, and all his movements were rapid. The portraits remaining of him have been made from memory after his death, and the painter, it is said, preoccupied with his tragic fate, has given him a sad sombre expression which he had not in the happy days of life. His countenance was pleasing and distingué. His hair was brown and his complexion quite pale; the eyebrow was arched, and the eyes black and large with dark eye-lashes, which gave to his looks a remarkable expression of pride, penetration, and mildness. His nose was aquiline, and his mouth was slightly disdainful. Energy, delicacy, and tenderness are expressed in his melancholy and ardent features. Such was, however, his total absence of affectation, and his simplicity that nothing seems to have at first sight attracted attention in Robert Emmet. The modesty of his character, joined to a sort of habitual reserve, hid the working of his mind in the ordinary circumstances of life, but, were any subject started which was deeply interesting to him, he appeared quite another man.

The Trinity College professor and others gave a description of Robert Emmet to the police. In this it was stated that his person was small and lean and wiry, his face pallid and slightly pock-marked; under a brow broad and high, his eyes were grey in color and heavily-lidded, small and searching; the nose, prominent, straight and thin, ended in a sharp point; and the under-lip protruded like a challenge. The predominant expression was that of intense gravity, grim earnestness, softened by the wistful, elusive expression of a dreamer of dreams.

Elrington, his tutor in mathematics at Trinity, gave the following unflattering description of his appearance:

In 1798 he was near twenty years of age, of an ugly, sour countenance, small eyes, but not near-sighted; a dirty brownish complexion; at a distance looks as if somewhat marked with small-pox; about five feet, six inches high, rather thin than fat, but not of an emaciated figure; on the contrary somewhat broad-made; walks briskly, but does not swing his arms.

Expulsion from Trinity

Referring to the same period, Madden states:

Robert Emmet, in the spring of 1798, was about twenty years of age; his brother, in the month of March of that year, had been arrested; many of his fellow-students were members of the Society of United Irishmen; and several of his brother's most intimate friends and associates were then his companions in misfortune. Whether Robert was a sworn member of the Society I have not been able to ascertain, but that he had adopted its principles early in that year, and had been freely communicated with on subjects connected with its affairs, by persons implicated in the latter, there is no doubt.

The political feeling existing among the students in Trinity College became known to the authorities and led to a "visitation" in April, 1798, when after some investigation, a number of students were expelled and the spirit of dissatisfaction was completely suppressed. Robert Emmet was not among the number expelled, as he had resigned just previous to the action taken by the authorities, but they would not accept his resignation, and he was, according to the records of the college, expelled with nineteen others.

In the month of April, 1798, the lord chancellor's visitation at the college, which terminated in the expulsion ot several students charged with treasonable practices in the college, took place.

When several of the students had been called before the chancellor, and examined upon oath, Robert Emmet, on being summoned, wrote a letter to the members of the Board of Fellows, denouncing the act of demanding, on oath, information from the students tending to inculpate their fellow-students, and requiring of them to disclose the names of such of their associates as were members of the Society of United Irishmen; and desiring to have his name taken off the books of college. Before the letter was forwarded to the Board, he showed it to his father, and it met with his father's entire approbation, a circumstance not generally known.

Thomas Moore wrote an account of these political troubles at Trinity, but Madden has pointed out that some inaccurate statements were made by him, and that Walsh's "Sketches of Ireland Sixty Years Ago" contains a more exact account. The details of this investigation as to the political status of all connected with the institution, although containing much of historical interest, would not prove of special interest for the general reader.

Dr. Emmet had strange notions about Robert: he frequently spoke to Mr. Patten of the difference of manner and appearance of Robert from his brothers. He had not the gravity and sedateness of Temple and Thomas Addis Emmet; his boyishness of air, and apparent unfitness for society, or unwillingness to engage in active intercourse with men of the world, made the poor old doctor uneasy about Robert's destiny. I take this account word for word from a statement recently made to me by Mr. Patten. On one occasion, when Dr. Emmet was talking in this strain at Casino to Mr. Patten, the latter said that he attributed the pecularities noticed by the doctor to the extreme diffidence of Robert—he was so modest, reserved, and retiring, that he seemed unconscious of his own powers. The old doctor said such was not the case when Robert's mind *was* made up on any point—he had no diffidence—no distrust—no fear of himself. "If Robert", said his father, "was looking out of that window, and saw a regiment passing that was about to be reviewed, and was informed the colonel had just fallen from his horse, and was incapacitated for his duty, and it was intimated to him that he might take the colonel's place, and put

his taste for the reading of military tactics and evolutions to the test, Robert would quietly take his hat, place himself at the head of the regiment, and give the necessary commands without any misgivings or *mauvaise honte*".

I asked Mr. Patten what did this kind of self-confidence arise from—was it from vanity? was Robert personally vain? was he vain of his talents—of his intellectual superiority over others in any attainment, in argument or discourse? Mr. Patten's answer was in these words:

"From vanity! Oh! dear, no—Robert had not a particle of vanity in his composition. He was the most free from self-conceit of any man I ever knew. You might live with him for five years—aye, for ten years—in the same house—in the same room even and never discover that he thought about himself at all. He was neither vain of his person nor his mind."

In consequence of the action of Trinity College authorities, Robert Emmet was barred from entering professional life, and had no means of support left him but to engage in trade, which, as we shall see, he did, with John Patten, as a tanner.

Thomas Moore, Emmet's school and college-mate, has given a number of the subjects which were discussed by the members of the historical society of Trinity College, in which Robert Emmet always took an active part. His speeches exhibited a remarkable degree of talent, and Moore preserved copious extracts from them.

Moore states:

In another of his speeches I remember his saying: "When a people advancing rapidly in civilization and knowledge of their right, look back after a long lapse of years, and perceive how far their government has lagged behind them what then, I ask, is to be done by them in such a case? What but pull the government up to the people?"*

Robert Emmet's resignation from Trinity was regarded as an evidence of political disaffection, yet there was no proof on which the college authorities could base any authority for his dismissal. He was out-spoken against the existing corruption and abuses throughout the country, a condition every one acknowledged existed, and to which the English Government was perfectly indifferent, and so much so to have offered not the slightest objection to the freest discussion. The injustice done him was resented by many who realized that it was due to the fact that his father had already become a marked man, since he had resigned every position held by him under the Government, with which he was no longer in sympathy.

But the poorer classes were more in sympathy from a sentiment of grateful remembrances of the many charitable acts of his mother and her daughter, and the long professional and gratuitous service rendered them by his father. The feeling of veneration for the family was more enduring with them and became traditional from one generation to another. No other young man of Robert Emmet's age in Dublin ever became known to so large a number of persons as this incident of injustice caused, and it was no doubt the foundation for much of the popularity attached to him after he began his political course.

*Memoirs of Moore, edited by Lord John Russell, Vol. I, page 17.

Popularity of Robert Emmet

The degree of veneration felt for Robert Emmet's memory by the Irish people throughout the world, and which seems to increase with the advance of time, has often excited speculation as to the cause of this unique condition. The romance in connection with his history was doubtless a factor, but nothing is more transient than public interest under such circumstances, and particularly in such a case as that of Robert Emmet, who, so far as the public knew, would seem to have accomplished less than any other individual in Irish history. When in the course of time it becomes known what Thomas Addis and Robert Emmet wished and expected to accomplish, and the extent to which many subsequent beneficial results sprang from the seed sown by them, they will no longer rank as failures. The individuality of these two men endeared them to all with whom they came in intimate contact. But the public at large, who held their names in great respect and even veneration, without possessing any special knowledge as to the reason for doing so, are insensibly influenced by a reflection from the good, charitable and blameless life of their parents, which has left a permanent impression on generations after the source has been forgotten.

I declare on my conscience I do not think that if Trinity College, its learning, its liberality, its prejudices, and its venality were all sunk together, the country would be injured by it. If from its extinction I could see arise, the simple principle of "do justice and love mercy", I feel that my country would gain.

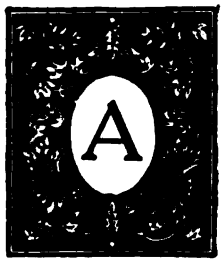
Miss Emmet, "Address to the People of Ireland", 1799.

Some suppose [from English teaching]what has also been asserted of the negro race; that the Irish were an inferior, semi-brutal people, incapable of managing the affairs of their country, and submitted, by the necessity of their nature, to some superior power, from whose interference and strength they must exclusively derive their domestic tranquillity, as well as their foreign protection.

T. A. Emmet.

Chapter II

Robert Emmet's poetic compositions—"London Pride and Shamrock"—"The Two Ships"—"Arbour Hill"—"Help from Heaven"—"Genius of Erin", the only poem published with his initials.



MONGST his many accomplishments, Robert Emmet gave evidence at an early age that, in common with all the other members of his family, he had inherited a marked talent for poetics. His father left a volume of poems in manuscript which were never published, but were quite worthy of that distinction, as the reader has been able to judge from the "Harvest Day" and other poems, given in the first volume. A volume of the poems of his brother Temple was published in London about the time of his death, and his sister Mary Ann wrote with great facility both in prose and verse. The writer has seen references made to the skill of T. A. Emmet, particularly in writing Latin verse, but no verses from his pen seem to have been preserved.

The following was published in "The Press", October 21st, 1797, and signed "Trebor", the letters of which if reversed would form Robert:

THE LONDON PRIDE AND SHAMROCK

A FABLE

Full many a year, close side by side,
A Shamrock grew and London Pride:
Together how they came to grow
I do not care, nor do I know;
But this I know, that overhead
A laurel cast a wholesome shade.
The Shamrock was of lovely green
In early days as e'er was seen;
And she had many a hardy son
In days of old, but they are gone—
For soon the other's creeping shoots
Did steal themselves round Shamrock's roots,

Then, thief-like, fastened in her soil,
And sucked the sap of poor Trefoil;
Until in time pert London Pride
Got up so high as quite to hide
Poor Shamrock, who could seldom see
The Sun's bright face,—nor seen was she,
Save when an adverse blast did blow,
And laid her neighbour's honours low.
Then, in the angry lady's spite,
She drank the show'r, she saw the light,
She bath'd her sicklied charms in dew,
And gathered health and strength anew.
She saw those joys had come from heaven
And ne'er were by her neighbour given;
Yet, her good-nature aye to prove,
She paid her jealous hate with love.
But when once more kind zephyrs came,
And raised the o'ergrown, storm-bent dame,
The ingrate strove her all to take,
And forced poor Shamrock thus to speak:
"Neighbour, we're born with equal right
To feel yon sun and see his light,
T'enjoy the blessings of this earth—
Or if right follows prior birth,
In this still stronger is my claim—
Long was I known, and great my fame,
Before the world e'er heard thy name.
But letting all these strong claims lie,
Pray tell me, is it policy,
To thwart my offspring as they rise,
To break my heart, to blind their eyes?
Sure if they spread the earth along,
Grow handsome, healthy, stout, and strong,
They will as usual happy be
To lend that useful strength to thee:
Thus would we keep each other warm,
And guard us from all coming harm;
We'd steady stand when wild winds blow,
And laugh in spite of frost and snow,
And guard the roots of our loved laurel,
Grown sick and pale to see us quarrel."
"No more!" the vex'd virago cries,
Wild fury flashing from her eyes;
"I'll hear no more—your bounds I'll mark,
And keep you ever in the dark;
Here is a circle—look you here—
One step beyond it, if you dare!
And if I hear you more complain
I'll tear thy rising heart in twain;
I've made thy sons kill one another,
And soon they shall destroy their mother.
I'll thus"—a flash of heavenly fire,
Full fraught with Jove's most deadly ire,
Scatter'd the London Pride around;
The black clouds roar'd with horrid sound;

The vivid lightning flashed again,
And laid the laurel on the plain.
But soon succeeds a heavenly calm—
Soft dews descend and show'rs of balm—
The sun shoots forth its kindest ray,
And Shamrock strengthens every day,
And, rais'd by heaven's assistance bland,
Bids fair to spread o'er all the land;
She guards the blasted laurel's roots,
The nurtur'd laurel upward shoots,
And grateful wreaths its dark green boughs
To grace great Shamrock's aged brows.

MORAL.

Take heed, learn wisdom hence, weak man,
And keep a good friend while you can;
If to your friend you are unkind,
E'en Love will be against you join'd;
Reflect that every act you do
To strengthen him doth strengthen you;
To serve you he is willing—able—
Two twists will make the strongest cable,
To bind a friend and keep him steady,
To have him e'er in reach and ready.

TREBOR.

The moral of this poem is as applicable to-day as it was at the time it was written.

The Two Ships*

A FABLE.

The following which is also signed by "Trebor," is taken from "Literary Remains of the United Irishmen of 1798, &c," by Dr. R. R. Madden:

Et ego malim audire tales fabulas
Quam experiri—Naufrag. Eras.

A ship that weathered many a gale,
With oft-fished mast and tattered sail,
And many a shot, and many a scar,
That she received in deadly war;
Afraid of ev'ry angry cloud
Of breeze that whistled thro' a shroud;
O'erburdened, lab'ring, heaving, creaking,
In danger every wave of wrecking.
Thus to a vessel stout and tight
That constant had kept close in sight;
And ev'ry gale had lent assistance,
Or when the foe kept not his distance.
"Your crew, good ship, you can't deny,
Is tainted strong with mutiny;

*This piece appeared in the "Anti-Union", 10th of January, 1798. It is written with great ability, far greater than is exhibited in the ordinary run of Anti-Union poetry of this period. The poetical merit of it is of high order. The diction is appropriate, energetic and simple.

Now mine is loyal, if you mix 'em
We'll make two honest crews betwixt 'em.
And that we may keep close together,
And stoutly face all sorts of weather,
We'll tow you by the strongest cable
That to devise my crew is able.
And if you leave it to my master,
We both shall sail more safe and faster.
As to our burden, though you'll share it
His skill will give you strength to bear it.
My solemn faith shall plighted be,
Your share I'll just apportioned see—
And to your strength your load I'll square,
Nor stow a pound you cannot bear.
A common fate we then shall have,
Together mount the boisterous wave;
Or down the wat'ry vale so low
Together we shall cheerful go.
The storm, dear ship, that injures you
Shall sink thy constant comrade too."
The trim-built vessel thus replied,
As proud she rode upon the tide:
"I know I have on board some men,
That seem rebellious now and then,
But what's the cause? You know full well—
Allowance short—makes men rebel;
And you have many a hand of mine
That on my crew's provision dine;
Each day on biscuit we must work,
Forsooth to send you beef and pork.
Send me my men, their pay and stores,
Cease to rip up our healing sores,
In honour, and in wisdom's name,
Help me, some prudent plan to frame,
To gain a happy crew's affection;—
Blow it, 'twill be thy own protection,
Our ship we'll work, its deck we'll clear,
Nor wind, nor wave, nor both we'll fear.
As to the tow-rope I am loth
To try it, for 'twill hurt us both;
A course for you's no course for me,
Our trims are diff'rent as can be;
But I shall, as I'm wont to do,
Keep constant company with you,
And overboard the traitor-hearted
Shall go—that wish to see us parted;
But I perceive 'tis my crew's mind
By ropes we never should be joined."
'Twas all in vain—a scoundrel few
About the helm, betrayed the crew;
And for a bounty, basely gotten,
Lash'd the sound vessel to the rotten.
No sooner was this foul deed done
Than slap on board comes ton on ton

Of cargo—a most grievous burden,
Ten times as much as she'd her name on;
A storm comes on—a dreadful blast,
Now goes a sail! now groans a mast!
The silvery waves in mountains curled
Now wrap them in the wat'ry world!
Shot on the billow, now they rise,
And seem to penetrate the skies.
Their heaving sides with frightful crash
The rolling ships together dash;
The tight-built ship now 'gan to think
That thus united both must sink;
And better 'twas that they should part
For ever, than a plank should start.
To save herself, nought else was left,
She cut the rope, and sent adrift
The crazy ship, to live at sea
Well as she could and bore away—

TREBOR.

About the time of the arrest of Thomas Addis Emmet, and when a reign of terror existed throughout Ireland in consequence of the excesses committed by the troops holding the country, Robert Emmet, then but a youth, frequently indulged his poetical talents. Political subjects seem to have been his only theme, so far as we can judge from what is known to have been written by him, and all the poems attributed to him were composed between 1797 and 1799.

The following verses were written about the same time as "The London Pride and Shamrock", and are also given in Dr. Madden's memoir of Robert Emmet:

ARBOUR HILL.*

No rising column marks this spot
  Where many a victim lies,
But oh! the blood which here has streamed
  To heaven for justice cries.

It claims it on the oppressor's head
  Who joys in human woe,
Who drinks the tears by misery shed,
  And mocks them as they flow.

It claims it on the callous judge
  Whose hands in blood are dyed,
Who arms injustice with the sword,
  The balance thrown aside.

It claims it for this ruined isle—
  Her wretched children's grave—
Where withered Freedom droops her head,
  And man exists—a slave.

*Dr. Madden states in a note: "Arbour Hill, at the rear of the Royal Barracks in Dublin, was a place where a great number of executions took place, and the burial-place of those executed for treason. The spot chosen for their interment was 'Croppies' Hole'; it was a piece of waste ground where rubbish used to be deposited."

O sacred Justice! free this land
From tyranny abhorred;
Resume thy balance and thy seat,
Resume, but sheath thy sword.

No retribution should we seek—
Too long has horror reigned;
By mercy marked may Freedom rise,
By cruelty unstained.

Nor shall a tyrant's ashes mix
With those our martyred dead;
This is the place where Erin's sons
In Erin's cause have bled.

And those who here are laid at rest,
Oh! hallowed be each name;
Their memories are for ever blest—
Consigned to endless fame.

Unconsecrated is this ground,
Unblessed by holy hands—
No bell here tolls its solemn sound—
No monument here stands.

But here the patriot's tears are shed,
The poor man's blessing given—
These consecrate the virtuous dead,
These waft their fame to heaven.

The following poem is the only one written by Robert Emmet which he signed, and it was published with his initials:

GENIUS OF ERIN

Genius of Erin, tune thy harp
To freedom, let its sound awake
Thy prostrate sons, and nerve their hearts
Oppression's iron bonds to break.

Long and strong then strike the lyre—
Strike it with prophetic lays,
Bid it rouse the slumbering fire,
Bid the fire of freedom blaze.

Tell them glory waits their efforts—
Strongly wooed, she will be won;
Freedom, show, by peace attended,
Waits to crown each gallant son.

Greatly daring, bid them gain her;
Conquerors, bid them live or die;
Erin in her children triumphs,
Even where her martyrs lie.

But if her sons, too long opprest,
No spark of freedom's fire retain,
And, with sad and servile breast,
Basely wear the galling chain;

Vainly then you'd call to glory,
Vainly freedom's blessing praise—
Man debased to willing thraldom
Freedom's blessing cannot raise.

Check thy hand, and change thy strain,
Change it to a sound of woe,—
Ireland's blasted hopes proclaim,
Ireland's endless sufferings show.

Show her fields with blood ensanguined,
With her children's blood bedewed—
Show her desolated plains,
With their murdered bodies strewed.

Mark that hamlet—how it blazes!
Hear the shrieks of horror rise—
See! the fiends prepare their tortures—
See! a tortured victim dies.

Ruin stalks his haggard round,
O'er the plains his banner waves,
Sweeping from her wasted land
All but tyrants and their slaves.

All but tyrants and their slaves!
Shall they live in Erin's isle?
O'er her martyred patriots' graves
Shall Oppression's minions smile?

Erin's sons, awake!—awake!
Oh! too long, too long, you sleep;
Awake! arise! your fetters break,
Nor let your country bleed and weep.

R. E.

Dr. Madden gives another poem, which was published in the Anti-Union periodical, March 9th, 1799. It bears the signature "Trebor", the same as was attached to "The London Pride and Shamrock", of which there exists no doubt that Robert Emmet was the author. And while these two poems are written in a totally different style, it is evident that the same talented writer was the author of both.

Help From Heaven

The right hand of the Lord bringeth mighty things to pass—the Lord has chastened and corrected me: but he hath not given me over to death.—Psalm cxviii, 16 and 18.

'Twas at the solemn midnight hour,
When minds at ease are sunk in sleep,
But sorrow's sons their wailings pour,
Teaching the woods and wilds to weep;

Ierne Lonely

Beside a lake whose waters black
The pale-eyed moon doth dimly spy,
Scarce peeping o'er a mountain's back,
That rudely lifts its head on high;

Where the wild willows green and dank
Their weeping heads wave to and fro;
And bending reeds upon its bank
Oft kiss the stream that runs below—

There, on a long-fall'n mould'ring mass
An ancient castle's crumbling wall,
That, now grown o'er with weeds and grass,
Was once gay mirth's and beauty's hall,

Ierne, lonely, pale, and sad,
All hapless sighing, sat her down,
And sorrowing mused, till almost mad,
She snatched her harp her cares to drown.

Now wildly waved her auburn hair
In the unheeded blast that blew;
Fixed were her eyes in deep despair,
Whilst o'er the strings her fingers flew.

The sounds, at first so loud and wild,
Now slowly softened on the ear;
And e'en the savage blast grew mild,
Such soothing sounds well pleased to hear.

Her druids' ghosts around her throng—
For ling'ring still, tho' seldom seen,
They fondly flit the oaks among,
And haunt the grove for ever green;

And list'ning fairies troop around,
Whilst high upon the ivied tow'r,
The long-haired banshees catch the sound,
And rapt, forget their crying hour.

For, in the saddest, softest strain,
She wail'd the woes of Erin's land—
Ah! wretched Erin, rent in twain
By some curs'd demon's hellish hand,

That aye inflames with deadly rage
Sons against sons in foulest fight,
And youth to murder hoary age,
In nature's and in reason's spite.

The cottage now she sings in flames,
Now the injur'd maiden dying,
And now the burning baby's screams
To its mother's bosom flying:

Ah! luckless mother, vain you shed
  Thy tears or blood thy babe to save,
For lo! poor soul, thy baby's dead,
  And now thy breast must be its grave!

Thy breast of life, where, as it slept,
  Thy song-sooth'd cherub oft would start;
Then heav'd its little sighs, and wept—
  Sad sighs that rack'd thy boding heart.

The thought too deep Ierne stung—
  She started frantic from her seat,
Her silver harp deep thrilling rung,
  Neglected, falling at her feet.

Nor silver harp Ierne cheers,
  Nor the bright starry-studded skies;
The light of Heaven's unseen through tears—
  The sweetest sound's unheard through sighs.

The withered shamrock from her breast,
  Scorch'd with her burning sighs, she threw,
And the dark, deadly yew she pressed,
  Cold dripping with unhallow'd dew.

"Here, here," she cries, "unseen I'll dwell,
  Here hopeless lay my tearful head,
And fairies nightly in this cell
  Shall strew my dew-cold leafy bed."

Then down she sinks with grief oppress'd
  Her saffron sleeve thrown o'er her face,
And soft-winged sleep lights on her breast,
  And soothes its heavings into peace.

But ah! too soon, fell Discord's cries,
  Borne on an eastern breeze's wings,
Rude sweep her harp, that downward lies,
  And moan amongst its trembling strings.

Scared with a sound he did not know,
  Peace-loving sleep dared not to stay,
But, sighing for Ierne's woe,
  He bent his noiseless flight away.

Ierne, starting, paused a while:
  "Too true," she cries, "ye powers above!
Dread Discord comes from that fair isle
  Where still I looked for peace and love."

Thought-rapt she stood in dumb amaze,
  When, on the western mountain's height,
To sounds seraphic, rose a blaze
  Of mildly-beaming heavenly light.

Hope and Liberty

There in the midst, loose-rob'd, was seen
  Sweet Hope, that soothes our ev'ry ill,
Beck'ning with calm and smiling mien
  Poor, sad Ierne up the hill.

The woe-begone thus Hope address'd:
  "Lift up thy looks, Ierne, cheer!
For know we come at heaven's behest
  To soothe thy sorrow, check thy fear.

"Thy cares, thy dangers soon shall cease,
  Thy days of tears and sighs are gone,
Thy foulest feuds shall turn to peace—
  Thus shall the will of heav'n be done.

"Pluck from thy breast that yew away—
  Be steady, cool, collected, calm;
So shalt thou soon a wreath display
  Of shamrock woven with the palm."

Words so bland, as dew descending
  Lifts the drooping lily's head,
Rais'd the fair Ierne bending,
  Fairest flow'r in Nature's bed.

"My fervent thanks, high heav'n," she cries,
  "Be ever, ever given to thee;
Thou'st chas'd my sorrow, tears, and sighs—
  Thou'st sent me HOPE and LIBERTY."

TREBOR.

Your cause is in your own hands. If Ireland is disunited her cause so long remains hopeless; if, on the contrary, she knows her own mind and is one in spirit, that cause is irresistible.

Gladstone, to John Dillon, 1893.

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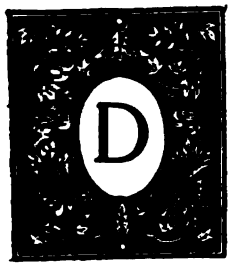
PEN AND INK SKETCH BY ROBERT EMMET

When have you demanded that you have not succeeded? and when have you negotiated that you have not been deceived?

Flood.

Chapter III

Robert Emmet not known to have participated in uprising of 1798—Not believed to have taken an oath as a United Irishman—But frequently present at meetings—T. A. Emmet's work of organization when on circuit as a lawyer—Incident at meeting when token of authority and identification discussed—Robert designs seal of the United Irishmen—Accepted by Directory—Different seals for North and South—British Government offers large reward for seal after arrest of Thomas Addis Emmet—Anecdote of author's father during a house search—Robert frequently employed as confidential agent—Samuel Turner imprisoned in Scotland as Government spy—Duel between Thomas Addis Emmet and Arthur O'Connor averted by Robert—Cause of quarrel never known—Author in possession of pistols to have been used—Robert present during debate on the Union in Irish House of Commons—Goes to Continent in 1801—Goes to Switzerland—Returns to Paris intending to accompany Thomas Addis to America—Madden on only two letters written by Robert said to have been preserved—Three to Marquise de Fontenay given—Robert's interviews with Talleyrand and Napoleon—Belief that latter would help Ireland—Returns to Ireland to take part in rising of 1803—Lord Cloncurry engaged in conspiracy—Napoleon's intentions change after arranging for invasion of England.



DESPITE circumstances of close relation and interest, it is not believed that Robert Emmet had any active connection with the uprising of the United Irishmen in 1798, or that he ever took the prescribed oath of the organization. But on the statement of his friend and relative, Mr. John Patten, it is known that he was frequently present at the meetings at his brother's house. Mr. Patten told Dr. Madden that on one occasion the question was under consideration as to the necessity of confiding some token or insignia of his office to Mr. T. A. Emmet. The reader must know that in the early stages of the movement, before Mr. Emmet became a member of the Directory, his special province had been to organize different branches of the society, while he was ostensibly on circuit, in the practice of his profession. But as the organization became enlarged it was necessary that he should be in possession of some token whereby his authority would be recognized. Robert Emmet, being present, quickly made a pen and ink design on the fly-leaf of a medical book belonging to his father which lay before him, from which the reproduction has been made. It would seem to indicate an apparent

want of balance, such as is often to be seen in the Irish character, as shown by a sudden shifting from the serious to the ludicrous, as though the individual were lacking in a sense of responsibility. Possibly it may be a natural consequence, the result of several hundred years of political and private suffering, with at times frightful uncertainty as to the future. With this condition of affairs it may have become second nature with the Irish people to follow a free interpretation of the advice of Horace, "to enjoy the passing moment". Having drawn the figure, Robert Emmet immediately placed in front of it Paddy with his arms akimbo, as if in position to defend Erin. Afterwards he designed the seal, which has also been reproduced, and which was accepted by the Directory for the purpose. The seal for the whole organization was designed in the North of Ireland and was different from the one in temporary use throughout the South of Ireland by Mr. Emmet. The design is a beautiful figure, which was cut in Dublin on an emerald, brought from India some years before by Sir John Temple and presented to his cousin, Dr. Robert Emmet. The English Government, it is said, obtained an impression and had it copied for use as a decoy. After the arrest of Mr. Emmet a large reward was offered by the Government for this seal, and the house was several times searched, but without success. Mrs. Emmet had it concealed on her person during the whole time and even throughout her imprisonment.

The writer recalls an account given him by his father of one of these searches, made a year or more after the arrest of T. A. Emmet. While sleeping with one of his younger brothers in the nursery, he was suddenly awakened by a bright light in the room and became greatly alarmed on seeing a soldier standing guard within the door. As soon as the man saw the child was awake, with the instinct of a brute, he pointed his musket at him, as if about to shoot. The two children naturally got under the bed-clothing as quickly as possible, and in their terror did not dare to move, being more dead than alive, until the soldiers had left the house and their grandmother could come to them. This seal, which has been reset in its present form as a ring, is the possession of Lieutenant Robert Temple Emmet, formerly of the United States Army, who inherited it from his grandfather, Judge Robert Emmet, the eldest member of the family.

Madden states in his "Lives of the United Irishmen":

> Whatever was the nature of the plans into which some of the imprisoned leaders entered, who were confined in Newgate and Kilmainham, when the faith of government was broken with them, Robert Emmet certainly was cognizant of them, and had been employed as a messenger and confidential agent on some occasions, when the affairs in hand were deemed of great importance. I have been informed that he visited his brother at Fort George, in 1800. On the occasion of this visit there were serious differences among the State prisoners, especially between Arthur O'Connor and Thomas Addis Emmet. There were two parties in Fort George, and the divisions were, if not caused, certainly kept up by secret communications to the Government of everything that went on in the prison, that must have been made by some one of their own body. It was not known, however, that the traitor to his fellow-prisoners was a northern gentleman, of great fame for his blustering patriotism in the North in 1797 and early part of 1798, Mr. Samuel Turner of Newry.

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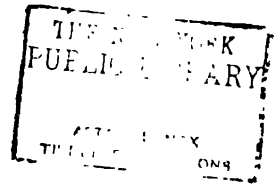
Seal of the United Irishmen for the south of Ireland, designed by Robert Emmet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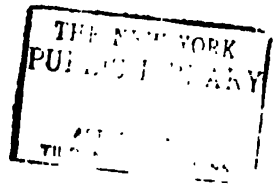
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PARLIAMENT HOUSE AND TRINITY COLLEGE, DUBLIN

During the whole period of his imprisonment at Fort George, Mr. Samuel Turner corresponded with Mr. Pitt, and it will be seen by the memoirs and correspondence of Lord Castlereagh, that after his liberation in 1802 Mr. Samuel Turner, while playing in Holland the part of an exile of Erin desperately faithful to his country, performed in secret the duties of a spy of the British Government on the United Irishmen who sojourned in Hamburgh or passed through that place. It will be seen also by the "Memoirs of Lord Cornwallis," vol. iii., p. 319, that Mr. Turner had a pension of £300 a year for his secret service. Perhaps the old policy of dividing and governing was carried into effect at Fort George, and the principal leaders of the imprisoned members of the Society of United Irishmen were "ministered to by good espials," and the services of Samuel Turner were brought into requisition there, to set Emmet and O'Connor by the ears. About the same time as the visit of Robert to his brother, Mr. Patten received a letter from T. A. Emmet desiring him to bring a certain case of duelling pistols with him to Fort George when he was coming there; and accordingly the pistols were brought by Mr. Patten. But happily the necessity for their use was obviated by the previous successful efforts of Robert Emmet to allay the angry feelings that were then subsisting between the parties above referred to. Robert Emmet had a singular talent for composing differences and making people who spoke harshly, and thought unkindly of one another, acquainted with each other's good qualities, and thereby causing them to come to terms of accommodation.

The cause of the first quarrel between Mr. O'Connor and Mr. Emmet will probably never be known. The latter went to his grave with his suspicions unabated that he was watched and spied upon at Fort George by Castlereagh's order for obtaining some evidence to convict him of treason, and Dr. Macneven was of the same opinion. It was a fortunate circumstance that all others who could have given him trouble proved true to him, while he himself was so circumspect in his bearing that it was not possible to convict him on false testimony.

The pistols brought by Mr. Patten were never needed, and the writer has them in his possession. It has been a source of great regret that an uncle of the writer had the old-fashioned flint-lock taken off these pistols and replaced by a hammer for percussion caps, which in turn has now become obsolete. The increased interest which would have attached to them had they been preserved in their original condition was never appreciated.

When Mr. Patten parted with his brother-in-law at Fort George in 1800 they never met again, and Mr. Emmet gave him a seal from his watch-fob shaped like a Celtic harp, which had been designed by Robert Emmet, and for a time was used by him. In his ninety-eighth year Mr. Patten gave this seal to Dr. Madden, and in 1880 the Doctor presented it to the writer with the seal Robert Emmet gave to a priest while on his way to execution. Both of these are still in the possession of the writer.

Before Robert Emmet visited the Continent he passed two months with his brother, who was confined in Fort George, Scotland. He then returned to Dublin, and was present, as stated, throughout the debate in the Irish House of Commons on the proposed Union, and was also present at the last meeting of the Parliament, June, 1800, when the illegal and infamous Union was declared to have become established "by law".

Effects of Plunket's Speech

During these stormy debates, says Lord Cloncurry, while the high priests of the Constitution, the orators, and the lawyers proclaimed with vehemence in the temple of the laws, that resistance was an obligation and insurrection a duty, a young man in the gallery listened, in solemn silence, to what was going on, and made a secret vow that he would one day effect the delivery of his country.

Until recently Lord Cloncurry was the only authority quoted as to Robert Emmet having been present on this occasion, for the writer supposed that after leaving Fort George he had passed directly over to the Continent.* If Emmet was present the position assumed by one man doubtless exercised a great influence in shaping Emmet's subsequent course; and especially so, as this man had been a friend of the family, one whom Robert Emmet from his earliest childhood treated with the greatest respect, and who was probably alone responsible for the secret vow, it is held he took after hearing Lord Plunket's views expressed with such eloquence and force. In "Cloncurry and His Times" it is reported:

Plunket, the subsequent Chancellor, and sundry other massive intellects, proclaimed resistance to be a duty. "For my part", said Plunket, "I will resist it to the last gasp of my existence, and with the last drop of my blood; and when I feel the hour of my dissolution approaching, I will, like Hannibal, take my children to the altar, and swear them to eternal hostility against the invaders of my country's freedom. I warn you do not dare to lay your hands on the constitution. I tell you that if circumstanced as you are, you pass this Act, it will be a nullity, and no man in Ireland will be bound to obey it".

Cloncurry's statement is no doubt correct, as the Countess d'Haussonville in her Life of Robert Emmet wrote:

Among those who received young Emmet with kindness when he first entered society was Lord Cloncurry, of all the noblemen in Ireland the most sincerely devoted to the cause of his country. He was one of the writers for "The Press", and supported that paper with his fortune and influence, and he was at a later period a member of the Executive Directory of the United Irishmen. He became most intimate then with Thomas Addis Emmet and his brother.

"I little thought", says he in his Memoirs, "when I saw at my house that intelligent, enthusiastic and animated lad, that six years after he would organize a new insurrection and in punishment for his imprudence lay his head on the scaffold."

Cloncurry was doubtless a warm friend of the Emmet family, and was an active member of the United Irishmen, in favor of Parliamentary reform and Catholic Emancipation, and he became a member of the organization at the same time with his friend, Mr. Emmet. But at the time Thomas Addis Emmet was at the head of the Executive Committee he was not a member and had already ceased to take any part in the movement, as he was opposed to all revolutionary measures or connection with France. I quote from the d'Haussonville work rather than direct from the Memoirs of Lord Cloncurry, as he resided a long time in Paris, where he was well known to all in the social circles of that city.

*Robert Emmet, after his visit to Scotland, would probably have remained quiet had he not been informed soon after his arrival that a warrant had been issued for his immediate arrest as a supposed bearer of instructions from his brother to the unknown leaders yet in Dublin; for some reason, however, he was given time to leave.

The statement that Robert Emmet spent some time in Dublin before going on to the Continent is also confirmed by the report of William Wickham, the chief Irish Secretary, made for the Viceroy of Ireland in December, 1803, and given in Wickham's memoirs:

> Early in the year 1801 Mr. Emmet went over to the Continent with a mission to the French Government from the Executive Directory of the United Irishmen here.

There seems to be a discrepancy as to the exact date, for the writer has seen it stated that a letter is on record from Leonard M'Nally (showing he was in the pay of the Government) to Secretary Cooke, dated September 19th, 1880, in which he writes:

> Emmet Junior gone on business to France—probably to supersede Lewins. He was accompanied by a Mr. Maloche Delany of the County Kildare, now in custody on the suspicion of being concerned in the last insurrection.

Delany had been formerly an officer in the Austrian service, and was deeply engaged in the Rebellion of 1798. They travelled through England and embarked at Yarmouth for Hamburg, Emmet (against whom there was no charge), under his own name, and Delany under the name of Bowers.

They resided some time at Hamburg, until at last they obtained passports from General Augereau, commanding the French army on the Lower Rhine, and proceeded to Paris, where, in the course of the year 1801, they communicated with the French Government. What was the particular object of these communications is not known, but whatever it was they were put an end to by the Peace which was soon after concluded, whereupon Emmet left Paris and came to Brussels to meet his brother, Thomas Addis Emmet, who had been discharged from Fort George.

After a few weeks in Paris and on the conclusion of his mission from the Irish Executive to the French Government, he went to Switzerland, where he spent the summer, finally returning to Paris and settling down to the demands of social life among his many friends, until his brother's expected release from prison, intending to accompany him and his family to the United States. Beyond these facts little is known of his life there for some two years.

The Countess d'Haussonville states:

> It was in the autumn of 1802, when the growing bitterness and irritation in the relations between England and France made the rupture of the Peace of Amiens easy to foresee, that we find Robert in Paris, where he met his brother again . . . He passed two months in Paris; and then it was that he had an opportunity of obtaining a glance at that brilliant and light-hearted society, which having passed through the dark and stormy days of the French Revolution, awoke with joy to the marvels of life and civilization.

This statement is evidently an error, as the first letter, given on a subsequent page, written by Emmet to the Marquise de Fontenay, and dated October 6th, 1801, shows that he was in Paris nearly a year before he set out for Dublin, in the summer of 1802.

We are even deprived of his correspondence, for very few of his letters are

known to exist. He doubtless wrote to his family while abroad, but his letters were either not preserved or they passed into the possession of the English Government when the family papers were seized. The writer, after a diligent search during the greater portion of a lifetime, has only been able to obtain from his hand a book of manuscript notes taken during a course of physics at college, of which a sheet will be reproduced, and several books containing marginal notes.

In his Life of Robert Emmet, Dr. Madden gives but two letters written by him. These were written the night before his execution, and were thought to have been all of his writing extant. In the fifth decade of the last century a distant connection of the family, now dead, but at that time living in Paris, had in his possession a number of letters written by Thomas Addis Emmet, and some by his brother, Robert, to the Marquise de Fontenay. The Marquise and her husband had fled to Ireland during the French Revolution, and had become friends of the Emmet family. In the letters written by Mrs. Elizabeth Emmet to her son in Fort George she refers to this family under the dates of April 10th and December 18th, 1800.

The possessor of these letters at that time wrote an article on them to some English paper for the sole purpose apparently of publishing the letters of Robert Emmet. The following abstract of it was reprinted in one of our New York newspapers:

UNPUBLISHED LETTERS OF ROBERT EMMETT.

The following curious and highly interesting relics of the devoted and unfortunate Robert Emmet have been placed at our disposal for publication. They consist, as may be seen, of some letters of Robert Emmet never before published. The letters were addressed to members of a noble family, who had once sought and found in Ireland refuge from revolutionary persecution. Our correspondent says:

"The relations of the noble French exiles of '93 are proud to connect their names once more with those of the exiles of '98 and the hero of 1803, and to acknowledge with gratitude services received in misfortunes. Besides these papers the translator had a large collection of letters written by different members of the family and by Thomas Addis Emmet. In compliance, however, with the wish of a near relative of the latter distinguished patriot, and now living in Paris, he has only given a few extracts from those touching on historical events. As may be seen by the style, the letters are translated from the French, that being the language in which these noble victims of revolution and oppression corresponded."

The following are the letters, written by Robert Emmet, while the "extracts from those touching on historical events", seem to have been lost with the originals:

ROBERT EMMET TO MADAME LA MARQUISE DE FONTENAY.

PARIS, RUE D'AMBOISE No. 9,
OCTOBER 6TH, 1801. O. S.

I write to you, my dear Madame, according to promise, although I cannot yet inform you exactly of the time of my departure. I even feared that the arrival of the gentleman of whom I spoke to you might force me to remain here a week at least. I have just learned that my father has put up Casino for sale for £3,000 sterling, and that he expects to dispose of it immediately. I need not tell you how grate-

ful this news was to me. I have at last the hope of having us all united, and of enjoying the only happiness which now remains to us,—that of looking back on the past in the society of friends who esteem us, with full conviction of the purity of our motives.

I beg you will remember me to M. de Fontenay, and tell how anxious I am to see him. With kind regards to Mr. and Mrs. Bellow, believe me, my dear Madame, with sincere attachment, your young friend—

ROBERT EMMET.

ROBERT EMMET TO MADAME LA MARQUISE DE FONTENAY.

PARIS, Dec. 19th, 1801.

I should have written much sooner, my dear Madame, if I had been able to satisfy you on the two things you inquired about. The Lord Cornwallis, now at Amiens, is the same who was in Ireland; the time he is to remain there is uncertain; a month has been spoken of, but his stay is not fixed, you should lose no time if you have anything to send to him. For my part, it is with very great pleasure that I communicate to you the news which has just reached me this evening. Two of the prisoners of Fort St. George, Tennent and ——, have been already set at liberty, and the others are expected to be immediately liberated. I feel also glad to inform you that I had some time ago formed the resolution of not soliciting the interference of this Government, but of simply asking whether they had made any stipulation for us or not. This I did, and having received an evasive answer, I left the place without making any demand, telling them at the same time, that we merited their intervention at least as much as the patriots of Naples. I just learned by a letter from London, that the principal motive that influenced the British Government in making the peace, was the declaration of Lord Cornwallis, that if ten thousand men landed in Ireland the country would be infallibly lost. I have also been informed by a gentleman coming from London, that it is the intention of the British Government to proclaim a general amnesty, and to provide a system of conciliation in Ireland. So that, if we have not found friends to acknowledge or appreciate our services, we found enemies at least capable of estimating our importance.

I am in want of nothing, my dear Madame. If I were, I am quite convinced of the friendly interest you take in me; apart from the affectionate manner in which you wrote to me; but in this respect, the liberality of my father has left me in want of nothing.

I shall write home without delay, as much to learn the opinion of my friends on the subject of this news, as to speak of the estate you mention; if I have anything more positive I shall let you know at once.

Farewell, dear Madame, kindest regards to M. de Fontenay.

R. EMMET.

P. S.—It is said in the papers that Lord Cornwallis and the other members are going to spend some time at Morfortuine, at Joseph Bonaparte's, until the opening of Congress, so you will have time sufficient to execute your projects.

To Madame Gabrielle de Fontenay, chez Madame de Ruray,
à Ponce près Mountoine par Vendôme, Loire et Cher.

ROBERT EMMET TO MADAME LA MARQUISE DE FONTENAY.

SATURDAY, April 24th, 1802.

I was prevented from writing to you, dearest Madame, by a sore eye, from which I suffered for the last two months. I was obliged to consult a physician, in the absence of my friend Lawless, who left Paris for some time. I am, however, now nearly well.

The news contained in your letter gave me great pain, and I feel deeply for all you had to suffer in a country which is no longer for you what it once was; and

I sympathise the more with you from the fact that I believe I am myself on the point of making a sacrifice by returning to Ireland, which though it is by no means so great a one as yours is, will nevertheless be a very painful one to me. The letter which I enclose in this will probably give you the same information which I received this morning. My brother is determined to make America his residence when he obtains his liberty, and he is anxious, if my ideas agree with his, that I should accompany him. The rest of my family will be obliged to remain in Ireland, so that just when I supposed that the peace would enable us all to be united, I have left for alternative but to choose between those who are dear to me in this world and decide on which I must abandon. If I only thought of myself, if I only took into consideration the sorrows that are before me in Ireland, and the advantages I would find in the society of my brother, I would joyfully share his fate; but on the other hand, I find that my father and mother have left me perfectly free to make my choice, and have made the sacrifice of their own wishes, and that sacrifice shows me that I must not allow myself to be carried away by personal motives.

I have therefore determined on returning to Ireland, provided I can do so without contracting any engagement that might compromise my honour. No one better than you, dear Madame, knows how much it has cost me the resolution of returning to a country where, in the presence of all that must awaken the souvenirs of the past, I must forget everything—that I had hopes, friends, tender ties, perhaps. I am not, however, certain that this can be done, and I doubt it myself. I am not, in any case, to leave, until time will show us more clearly the intention of the British Government; but this uncertainty is still more painful.

You see that I open my mind fully to you, but I do so because I am aware that the interest that you take in us is fully equal to that we take in your welfare, and those of M. de Fontenay. Farewell, dear Madame.

I remain sincerely, your friend,

R. Emmet.

P. S.—The letters which I enclose in this were brought by Mr. Barnes, of Dublin, and I believe they contain a letter of introduction for himself. I was forced to take off the envelope to put them in with mine. I see by the English papers that the prisoners of Fort George are to be liberated, but I doubt more and more that I can return to my native country. My address is 298 Rue de la Loi-Madame Gabrielle de Fontenay.

Years after, when the writer first learned of the existence of these papers, he made every effort to obtain them, but without success, as the former owner had died, and it is to be regretted that copies of these letters were not made, or that the owner was not permitted to publish them when he desired doing so. With the hope that these papers may yet be traced the writer will state that the possessor of these papers was probably a son of William Lawless, a noted surgeon of Dublin, who entered the French army after 1798, was made a general and never returned to Ireland. He was a near kinsman of Lord Cloncurry, and also of the Emmet family through the Colvilles. General Lawless had been a close friend from boyhood of Dr. Robert Emmet's family.

The young lawyer whom Mr. Emmet assisted to settle in St. Louis, and to whom a letter from Mr. Emmet is given in the first volume, was probably a son of General Lawless and a brother of the owner of the Emmet papers in Paris.

Notwithstanding the fact that Robert Emmet had at that time little hope of returning within a reasonable period to Ireland, as stated in his letter to

Madame de Fontenay, he shortly after announced his intention of doing so without delay. In the interval it is known that both Robert and his brother had an interview with the agent who, the writer believes, was sent from Ireland at the suggestion of Pitt. It is known also, that as a representative of the United Irishmen, Robert obtained an interview with Napoleon, and he received a written assurance of Bonaparte's intention to secure the independence of Ireland. Webb, in his biography, states that Emmet also saw Talleyrand, and was strongly impressed with the insincerity of Napoleon, believing that if he did interfere in the affairs of Ireland it would be merely to advance his own designs. Robert Emmet, however, received from these interviews the impression that Napoleon would probably invade England in the following August.

Lord Cloncurry, in his "Personal Recollections", records:

When I left Ireland in 1797 Robert Emmet was a mere boy, but full of talent, enthusiasm and kind feeling. Both brothers dined with me in Paris the day before Robert returned to Ireland for the last time previous to his fatal outbreak; and although that catastrophe was not then thought of (so far as was known to his friends) I remember the most urgent entreaties being vainly used by his friends to dissuade him from a visit, which all felt to be full of danger to him, and the sad consummation of which so fully justified those gloomy forebodings.

It is stated by the Countess d'Haussonville in the translation of her Memoir:

Robert Emmet was not the author and instigator of the Conspiracy in 1803, although his name remains connected with that heroic and unhappy attempt. He was in France when he learned that a rising was in preparation, and consented to take a part in the conspiracy. There exists relative to this crisis in the different narratives published a certain contradiction. According to Madden, Robert Emmet had received before his departure the approbation of the chiefs of the United Irishmen then in Paris. In fact Macneven gave him a proclamation calling on the Irish people to revolt; and we find in a letter of Thomas Emmet, speaking of his intended departure for America, these express words:—"If the rumours of war be confirmed our projects will be completely changed; there will be again something to attempt in Ireland". The letters to the First Consul seem also to attest that Thomas Addis Emmet had by no means renounced the hope of an approaching revolution in Ireland with assistance from the French. It is even said that Lord Cloncurry was engaged in the conspiracy, and, as a proof, the fact is relied on of a depôt of arms having been discovered in his country house at Lyons after the failure of the Insurrection of 1803. Lord Cloncurry relates, on the contrary, that the day before Robert left Paris he dined with him and Thomas Addis Emmet. They examined together the chances of success, and everything being well considered, not finding them sufficient, they made, he says, vain efforts to dissuade the young enthusiast from engaging in such a perilous undertaking. It is difficult to get at the truth between these two versions; the history of the denial of St. Peter is always that of unsuccessful affairs—every one then pretends that he had opposed what perhaps he had strenuously encouraged.

Whatever Lord Cloncurry and Thomas Addis Emmet may have thought, the moment for armed resistance in reality had ceased to be for Ireland. When a nation has failed in the grave and perilous enterprise of revolution there are always strong reasons against beginning again and trying another struggle. . . . In fine, if we were here called on to appreciate the conduct of the brothers we might say that

one was irreproachable, and that the other, although certainly well deserving of interest, is not exempt from blame. . . .

Robert Emmet before starting for Ireland had a last interview with the First Consul. He received from him the assurance that hostilities would begin in the month of May, and that the landing of French troops would take place in the month of August. Everything was calculated in order to make the rising in Ireland coincide with the expedition to England. The negotiation with the First Consul was limited to this. Robert Emmet exhibited an invincible repugnance to go farther, and to induce the French to land in Ireland. . . . Whoever has lived in times of revolutions must have perceived, on the contrary, the part that unexpected events play in this world. At a certain moment, without any apparent cause, the wheel turns one way—it might just as well have turned in a contrary direction. Such was the opinion of the First Consul. With his marvelous instinct and his profound experience, he knew that the direction of the greatest events often depends on the chance of the most insignificant circumstances. "On what depends the fate of empires!" said he, at St. Helena, "if in place of the expedition of Egypt, I had made that of Ireland: if some trifling obstacle had not prevented my expedition of Boulogne, where would England be to-day?"

I have watched over the cradle of liberty; God forbid that I should ever see its hearse.
Theobald Wolfe Tone.

REPRODUCTION BY ANNA FRANCES LEVINS

Parlor at Casino, as it was in 1880. The tapestry paper is the same as when Dr. Emmet's family resided there

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REPRODUCTION BY ANNA FRANCES LEVINS

Robert Emmet's bedroom at Casino, third story front to the right

[REYNOLDS' *Footprints of Emmet*]

William III would have granted religious freedom to Ireland but for the persistent opposition offered by the Irish Parliament, composed exclusively of the members of the aristocracy.

Rev. Patrick F. Kavanagh.

Chapter IV

Robert Emmet's movements at end of 1802 and beginning of 1803—His mother's death—Receives legacy of £3,000 ($15,000) under his father's will—Narrow escape from Major Sirr—Anne Devlin refuses to turn informer—Tortured—Imprisoned in Kilmainham—Madden's tribute to her—Her grave in Glasnevin, monument and epitaph—State prisoners at Kilmainham memorialize Viceroy, Lord Hardwicke, against Dr. Trevor, Superintendent—Specify shocking treatment of Anne Devlin—Anne Campbell, grandniece of Michael Dwyer, deported to America—Dwyer, after long resistance in Wicklow, surrenders—Deported to Botany Bay, Tasmania—Dies, head of Police—Robert Emmet's associates—Several British secret agents among them—Men in Ireland in high position cognizant of Emmet's intentions—John Philpot Curran not averse to physical force.

WE have seen from Mrs. Emmet's last letter to her son, Thomas, that Robert remained for a short time at "Casino", and was still there in December, at the time of his father's death. Shortly after this event Mrs. Emmet closed "Casino" and changed her residence, as we have seen, to Bloomfield, another suburb of Dublin, where she died a few months later. At this time it is likely Robert Emmet began his operations in town, as he received in April, 1803, fifteen thousand dollars, left him in his father's will, which he expended on the movement.

After his undertaking had failed, and he was abroad with a price on his head, he often used "Casino" as a refuge before his arrest at Harold's Cross.

In the basement room of "Casino", to the left of the entrance and at the front of the house, he had constructed an underground passage extending to a summer house some fifty yards distant, and by this tunnel he frequently succeeded in avoiding arrest and in making his escape. The sides of this basement room were wainscoted with narrow planks, and on one side he had a secret door carefully concealed by the joining of the boards, as seen by the writer in 1880.

One morning, just at dawn, Major Sirr, "the Town Major" and the terror of Dublin, surrounded the house with his men and effected an entrance so suddenly that Mr. Emmet had a narrow escape. Sirr had accurate information, and on finding Emmet's bed warm, he resorted to intimidation to learn his place of concealment, when he found Anne Devlin, the caretaker in her room

at the top of the house. She, however, refused to give any information concerning her master. Finally, Sirr had his men remove the oxen from a passing "tip-cart" and placing a rope around the girl's neck, he tied the other end to the extremity of the tongue or pole. Then his men got into the back of the cart, thus tilting it up, and suspending her as from a gallows. Several times she was hoisted into the air, and when the men thought she was dead, they jumped out, letting the body fall to the ground. Each time, however, she revived, and with the first breath regained, freely expressed her opinion of their moral capacity, and in return was immediately strung up again. Thinking her dead, after exhausting their patience, they marched off, leaving her body lying in the road. Fortunately for her the noose had been adjusted by an unskillful hand. She recovered, and it is a remarkable circumstance that this poor woman was again subjected to a similar hanging after Robert Emmet's arrest, in the effort to force her, while imprisoned, to testify against him. But she recovered from the cruelty to which she was subjected and lived for many years after.

The tradition was held among the older members of the family that Anne Devlin was hung from the tongue of an ox-cart on the road in front of "Casino". The second time, however, was in front of the house on Butterfield Lane, as Dr. Madden states in his "Lives of the United Irishmen", and where Robert Emmet and several others passed two nights after the uprising in Dublin. Fortunately, Emmet received information that "Casino" was to be searched, and instead of seeking refuge there, he at once went to Mrs. Palmer, at Harold's Cross, where he remained until found by Major Sirr. As Dr. Madden obtained his information from Anne Devlin, his version of the incident must be correct. Dr. Madden also states, after she recovered she was arrested and imprisoned in Kilmainham, and was confined there for some years. In consequence of the relationship to Michael Dwyer, who was her uncle, her father and all the other members of her family were imprisoned and subjected to the greatest cruelty and privation, until they all died with the exception of a daughter and a younger son. The mother died shortly after being liberated.

From page 107 of "Pedro Redivivus" is taken No. 15, "Case of Anne Devlin,* State Prisoner, Daughter of Bryan Devlin and sister of James Devlin":

As to the unfortunate State Prisoner, I paid her the most constant and tender attention, provided her with medical aid, and every kind of food she desired while she was indisposed, and sent her upon a jaunting car to Lucan Spa for the benefit of the water and for air and exercise. Dr. Trevor's statement, p. 21.

*After this work had been finished and ready for the printer, the writer came into possession of a manuscript copy of Mr. St. John Mason's three works, giving an account of his imprisonment in Kilmainham jail, and the sufferings there of himself and fellow-prisoners. After an effort of some ten years he at length succeeded in getting the matter before the Parliament, and the result of the investigation made by the committee and published by that body revealed the existence of conditions to which for years the prisoners were subjected, much of which could never have been suspected. From the limited investigation made by the writer, he became satisfied that for one hundred years at least previous to this investigation ordered by Parliament, there had been no change for the better in the treatment of all prisoners. Mr. J. F. Fuller had a copy of these works reproduced in manuscript for the writer; this is the only known copy, and the same to which Dr. Madden had access. The most valuable is too lengthy for reproduction here, but in the Appendix, Note XIII, the shortest will be found.

Dr. Trevor's testimony, sworn to by him before the Parliament committee, was proved to have been false throughout.

The following is Anne Devlin's statement:

I was arrested in August, 1803, by Mr. Charles ——— of Rathfarnham, in company with my father, mother, three brothers and four sisters, and brought to Rathfarnham about ten o'clock in the night. The men were all bound severally with cords. When arrested, I saw all my family assaulted and abused by the soldiers in the cruelest manner. I was wounded in several places in the arm, in consequence of throwing it up to save my head from repeated blows of their swords; they also broke open my box and robbed me of my clothes, for which Justice Bell promised me I should be paid, but I never received a farthing. We were all, in the night which was wet and stormy, compelled to walk through a river near Rathfarnham, and next morning between three and four o'clock were brought to the Castle, where I was kept the whole day in wet clothes. I remained in confinement for about ten days in the town, and was then sent to Kilmainham Prison to the care of a Dr. Trevor, who arrived there shortly after me and ordered me to be put into a cell and locked up, which was done accordingly.

Dr. Trevor often examined me about Mr. Robert Emmet, whose servant I had unfortunately been, and said I should go to court and swear against him on his trial, which I always refused to do. On the day of his trial, Dunn, the gaoler, desired me to prepare to go, that there was a coach at the door, and that if I did not go quickly the guard would compel me; all of which, I am certain, was by Dr. Trevor's orders. I said I would not go, let him threaten as he pleased. When he found I would not go, he went to court, and his wife, Mrs. Dunn, brought me out of the cell to the kitchen of the gaol, where I remained about two hours, when Dr. Trevor, who had returned from court, came suddenly into the kitchen, and said: "Bad luck to you, Anne Devlin", shaking his cane at me, "bad luck to you, you rebelly bitch, I hope you may be hanged, I never saw but one woman hanged in all my life, and I hope I shall see you hanged, and if there was nobody to hang you, I should hang you myself. And, now for your comfort, your Pet is to be hanged to-morrow", with other expressions too infamous to be repeated.

He then ordered me to be put amongst the felons immediately. I was put there, and said he: "I will put you under the care of one who will soon murder you". I remained there about three months, and received no subsistence for about one month, except the county allowance, which left me in a miserable state, as my whole family were in the same place, without bed or covering in a wet cell.

Some time after, Dr. Trevor sent one of the keepers, John McSally, who treated me very severely, which he afterwards confessed he was desired to do by Dr. Trevor. He, McSally, cursed me very bitterly and desired me to hasten down stairs, that there were a number of gentlemen below, who would take me in a coach, which was at the door. When I went down I was told it was Dr. Trevor who wanted me. I then was turning away, but Mr. and Mrs. Dunn prevailed upon me to go into the parlor, where Dr. Trevor was waiting for me, and wished to ask a few questions. At last I went into the parlor with Dunn. Trevor questioned me about Mr. Emmet's acquaintance, and said I should be obliged to tell. I told him I never should answer any questions upon the subject. After much abuse and infamous language, he at last said: "Great a devil as you are, I will permit you to have the benefit of your clergy before you are hanged, for you are to be hanged in less than five days, at the front of the gaol. A court-martial sat at the Castle and passed sentence on you to be hanged". I asked him for what? He answered: "As a warning to all womankind not to keep a secret". He then sent me back again. This was between twelve and one o'clock at night.

I was kept either in the felon's prison, or in a prison outside the gaol, having been occasionally removed from one to the other until March, 1804. During which time I was constantly subjected to the insults of the unfortunate female prisoners, and the abuse of the other prisoners, and to the threats of Dr. Trevor and his turnkeys. Mrs. Dunn,

whose husband, John Dunn, was then gaoler, seeing the ill-usage I got from the felons particularly, one day that one of the female prisoners took up a knife and attempted to kill me, interfered with her husband so as to have me removed to another apartment; but when Trevor came the next day he was enraged at my removal and ordered Dunn to put me where I was before. I fell on my knees and begged Dr. Trevor would save my life by keeping me from the persons who attempted to murder me. He solemnly swore that if I went on my head after being on my knees I should go, and it was a place too good for me. Dunn then told him that should I be sent there he would not be responsible for the consequences that might happen, upon which the Doctor thought proper to insist on my being sent back. I remained among the State prisoners until about the month of September, 1804, when Dr. Trevor sent me back again among the felons, continuing his usual threats to me. I was kept in that wretched state, among those felons and also in the old gaol of Kilmainham, until about March, 1805, when one of the turnkeys, named Henry Wier, came to my cell. I was at dinner, he dragged me from it. William Simpson was gaoler at that time, and George Dunn, the present gaoler, had a carriage at the door. He put me into it, but would not tell me where they intended to take me. They brought me to the Tower. The keeper of it, Mr. Hanlon, received me with a wrong name given by Simpson and Dunn, and said it was Dr. Trevor's orders that it should be so.

Trevor came to the Tower the next day and ordered the keeper of it to keep me closely confined, and not suffer any person to see me. I heard Trevor give this order, though he did not appear to me, but I well knew his voice. In one or two days afterwards I saw him passing out of the Tower. I called him, he did not seem to hear me until I screamed out, calling him by his name. He then turned his head and tauntingly said: "he wondered how he had found me out, as he knew nothing of my being sent there", notwithstanding the strict orders he gave Mr. Hanlon, and that my removal was managed by his own instruments—Wier, Simpson and Dunn.

My mother, who had been liberated after a confinement of seven months, waited on Dr. Trevor and requested to know where he had sent me; he told her he did not know, but supposed I had been sent to Naas Gaol, and finding I was not, my mother again waited on Dr. Trevor to request him to let her know where it was he had me sent, saying—"that it was cruel to let her go to Naas to seek me", he then pledged his honour that he did not know where I was. My health was at length in so bad a state that it was represented to Mr. Secretary Long, who immediately set me at liberty after a confinement of two years and a half.

The above is but a poor and imperfect statement of the cruelties I suffered, and I solemnly avow that all the bad treatment I met with after I was sent to Kilmainham prison was owing to Doctor Trevor. ANNE DEVLIN.

From this we see the name of Anne Devlin has justly been rendered historical by her integrity and devotion to Robert Emmet, and to his family during these days of sorrow and adversity, when friends were few indeed.

Dr. Madden, in his "Life of Robert Emmet", writes:

The extraordinary sufferings endured and the courage and fidelity displayed by this young woman have few parallels, even in the history of those times which tried people's souls and called forth the best, occasionally, as well as the basest of human feelings. She was tortured, frightfully maltreated, her person goaded and pricked with bayonets, hung up by the neck, and was only spared to be exposed to temptations, to be subjected to new and worse horrors than any she had undergone, to suffer solitary confinement, to be daily tormented with threats of further privation, 'till her health broke down and her mind was shattered, and after years of suffering in the same prison, where others of her family were confined without any communication with her, she was turned adrift on the world, without a house to return to or friends or relatives to succour or to shelter her.

And yet this noble creature preserved through all her suffering and through forty subsequent years the same devoted feelings of attachment to that being and his memory which she had exhibited under the torture, in her solitary cell in Kilmainham gaol, in her communications with the terrorists and petty tyrants of the Castle and the gaol.

The fidelity and attachment of this menial servant to a beloved master, proof against all fears, superior to all threats and temptations, will not be forgotten. The day will come when the name of Anne Devlin, the poor, neglected creature who, when I knew her, was dragging out a miserable existence, struggling with infirmity and poverty, will be spoken of with feelings of kindness not unmixed with admiration.

By a most fortunate circumstance the writer came into possession of a portrait of Anne Devlin, and it is a great satisfaction that he has been instrumental to a degree in having a likeness preserved of her.*

Dr. Madden, at his own expense, placed a monument over this noble woman's grave in Glasnevin. On it he had sculptured a most appropriate emblem in the figure of an Irish wolf dog, now extinct, but which in the days of old was considered the most noble of animals. The following epitaph is inscribed upon it:

To the memory of Anne Devlin, (Campbell)
The faithful servant of Robert Emmet,
Who possessed some rare and noble qualities;
Who lived in obscurity and poverty, & so died
The 18th September 1851
Aged 70 years.

The writer received from the lips of Dr. Madden an even more detailed account of the history and suffering of this martyr to the barbaric rule of the English Government in Ireland. But he made no mention of the fact, learned by the writer, since his death, that after discovering her whereabouts he made the days of her old age pass in comparative comfort, through means contributed from his own scanty resources. This was the greater charity, for he had then become burdened with debt in consequence of the unprofitable publication of his work on "The Lives of the United Irishmen".

The time has come when the memory of Anne Devlin is honored by the Irish people, and in close connection should be remembered the name of the good Samaritan, Richard R. Madden, from whose hands this poor woman received her only earthly reward. After Anne Devlin's release from prison she began to struggle for existence unaided, without seeking assistance. It was only after her death and the publication of Dr. Madden's work that those who would have gladly aided her, learned, for the first time, of the sad history of her old age.

Within very recent years a suitable monument has been erected in Glasnevin, by some Irish Society, to the memory of Anne Devlin, in the place of the one by Dr. Madden.

Anne Devlin was taken from Butterfield-lane to Kilmainham Gaol.

*This portrait of Anne Devlin was obtained through the kindness of the Hon. Patrick Egan, the recent United States Minister to Chili, who during a visit to Dublin some years ago obtained the one in possession of Dr. Madden. True to the custom of her day, her chief effort at adornment, as shown by her likeness, was expended on her headdress.

Dr. Madden states:

No sooner was she brought before Major Sirr, than he, in the most civil and coaxing manner, endeavoured to prevail on her to give information respecting Robert Emmet's place of concealment. The question continually put to her was, "Well, Anne, all we want to know is, where did he go to from Butterfield-lane?" He said he would undertake to obtain for her the sum (he did not call it reward) of £500, which he added "was a fine fortune for a young woman", only to tell against persons who were not her relations; that all the others of them had confessed the truth—which was not true—and that they were sent home liberated, which was also a lie.

The author [Dr. Madden] said to her with becoming gravity, "You took the money, of course". The look the woman gave was one that would have made an admirable subject for a painter—a regard in which wonder, indignation, and misgiving of the seriousness of the person who addressed her, were blended—"Me take the money—the price of Mr. Robert's blood! No; I spurned the rascal's offer."

The major, went on coaxing and trying to persuade her to confess. He said everything had been told to him by one of her associates. Nay, what's more, he repeated word for word what she had said to Mr. Robert the night of the 23rd, when he came back to Butterfield-lane—"Bad welcome to you", &c. One of the persons present with him then must have undoubtedly been an informer. After she had been some time in Kilmainham, Mr. Emmet was arrested and sent to that prison. Dr. Trevor had frequently talked to her about him; but she never "let on" that she had any acquaintance with him. At this time she was kept in solitary confinement for refusing to give information. One day the doctor came and spoke to her in a very good-natured way, and said she must have some indulgence, she must be permitted to take exercise in the yard. The turnkey was ordered to take her to the yard, and he accordingly did so; but when the yard-door was open, who should she see walking very fast up and down the yard but Mr. Robert. She thought she would have dropped. She saw the faces of persons watching her, at a grated window that looked in on the yard, and her only dread was that Mr. Robert on recognizing her would speak to her; but she kept her face away and walked up and down on the other side; and when they had crossed one another several times at last they met at the end. She took care, when his eyes met hers to have a frown on her face, and her finger raised to her lips. He passed on as if he had never seen her, but he knew her well; and the half smile that came over his face and passed off in a moment could hardly have been observed except by one who knew every turn of his countenance. The doctor's plot failed; she was taken back to her cell, and there was no more taking of air or exercise then for her.

She was in Kilmainham, a close prisoner, when Robert Emmet was executed. She was kept locked up in a solitary cell, and indeed always with a few exceptions was kept so during her confinement the first year. The day after his execution she was taken from gaol through Thomas Street to the Castle to be examined there.

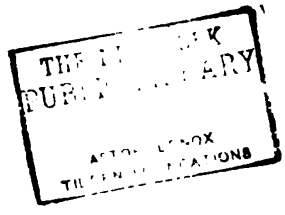
The gaoler had given orders to stop the coach at the scaffold where Robert Emmet was executed. It was stopped there, and she was forced to look at his blood, which was still plain enough to be seen sprinkled over the deal boards.

At the latter end of her confinement, some gentlemen belonging to the Castle had come to the gaol and saw her in her cell. She told them her sad story and it was reported by them to the Lord Lieutenant. From that time her treatment was altogether different; . . . she was then crippled in her limbs, more dead than alive, hardly able to move hand or foot.

From St. John Mason's "Prison Abuses in Ireland, &c.", is taken a recital of the prisoners' sufferings and those of Anne Devlin:

REPRODUCTION BY ANNA FRANCES LEVINS

ANNE DEVLIN


ASTOR, LENOX
TILDEN

PEDRO REDIVIVUS

No. 4

Memorial after investigation

Memorial of the State prisoners of Kilmainham praying for the removal of Dr. Trevor and his associates. Presented to His Excellency the Lord Lieutenant, one month after the investigation in July, 1804; Mr. Alexander Marsden, then under Secretary &c., having been seated in the same coach with His Excellency.

Having stated the inefficiency of the investigation, the prisoners proceeded thus:—

The source of all our afflicting treatment is glaringly to be traced to a person, who acts as superintendent of this prison, a Dr. Trevor, of whose inhuman, hardened and malignant disposition we want words to convey the deep impression which has been forced upon us. The man executes his office in a manner at once mean and malicious. He pleads for all our suffering orders from Government; of which indeed he represents himself a member, always speaking in the plural WE. He receives our complaints with contumelious laughter and has insultingly answered a complaint against an attendant by an invitation to a pugilistic decision with him; he insults with words, looks, taunts and threats, us and our friends; with the zeal and ignorance of an inquisitor he examines and detains our books; he orders whom he chuses into irons, and to the felons' side of the prison, taking care to observe that in each instance of such treatment should be cautionary terror to all. His treatment of all, but particularly of one unfortunate State prisoner [Anne Devlin] a female, is shocking to humanity and exceeds credulity. He drives, through exasperation, the mind to madness, of which instances have already occurred; he is surrounded and in every respect has our attendance managed by persons of ferocious manners and acknowledged barbarity; and so hardened by him in prejudices against us, as most frequently to lose sight of common caution, in the unrestrained malice of their hearts, and bitter declarations against us; in exultation at the certainty of our destruction, and in open avowal of their wishes and intentions to partake in it. Of such persons, we particularly allude to one George Dunn, the principal attendant, and to a Mrs. Dunn, who has the sole management of our food, their malice seeming more marked than that of others and exceeding all restraint. The former (a mean and prostituted tool of Dr. Trevor) has announced and boasted to us, that he was on a former occasion employed at Mullingar as an instrument for the intended assassination of prisoners committed to his custody, and with the imprecations of the woman, our ears are constantly assailed. To such a situation are we reduced, that life is left without value and literally becomes a burden to us; nor is there one of us who from many concurring circumstances can not upon oath declare a firm belief of an intention to deprive us of it by underhand means; an apprehension and feeling indelibly impressed upon our minds by the fiend-like treatment and spirit of those who surround us.

We, therefore, once more throw ourselves on the humanity of your Excellency, for relief to our distress and danger, praying most humbly and earnestly for our own peace of mind and that of all our friends, that this Dr. Trevor and his associates may be removed all direction of us.

JOHN PATTEN
JOHN C. HICKSON
NICHOLAS GRAY.
JAMES TANDY
PHILIP LONG
ST. JOHN MASON
HENRY HUGHES
WM. H. HAMILTON
JOHN PALMER
WM. MCDERMOTT
DANIEL DOLAN
DANIEL BROPHY

DENIS CASSIN

Kilmainham Gaol,
2 August, 1804.

These men were all gentlemen, some of them leaders in the Robert Emmet movement, and others, like Mr. Mason, were simply arrested on suspicion and imprisoned for years without any charges being brought against them.

At length Mr. Pitt died; it was a joyous day for Ireland. The prisons were thrown open, where many an honest person had lain since the month of July, 1803.

Anne Devlin died in September, 1851. Late in the winter of 1851 and 1852, a harmless, half-witted middle-aged Irish woman, named Ann Campbell, was admitted to that portion of the Emigrant Refuge Hospital, then under the professional care of the writer. This woman, like many others at the time, had her passage paid by the Irish authorities in Dublin and was sent to this country as a pauper. She was not directly under my care, but was in charge of one of my assistants.

She was a harmless creature and gave no trouble, except from a propensity to swallow all the medicine she could, belonging to the other patients, and without regard as to the dose, as she always emptied the vial or bottle. Not seeing her for several days I inquired where she was and was told she had died several days before from poisoning, as she had got hold, during the night, of some lotion intended only for external use. I then learned for the first time that she was the daughter of Anne Devlin, who after her mother's death, there being no one to look after her, had been sent to the "Poor House" and from there to New York. She had been buried in Potter's Field on Ward's Island and I could learn nothing more. This poor waif had always recognized me as the "head doctor", and whenever we met she had greeted me with a peculiar smile which afterward I recall as possibly implying we should have something in common. She must have known who I was from my name, which had doubtless become known to her through her mother. I can understand why she did not tell me who she was, as a feeling was quite common among the Irish people which would have prompted her to "to keep her place", unless I made the first advance. She was the last of her branch of the family, all of whom died under the care and cruelty of the British Government in Kilmainham jail. The great-uncle, Michael Dwyer, with a few followers kept up for years a condition of warfare in the Mountains of Wicklow, but at length his own terms had to be accepted, and he was sent to Botany Bay with thousands of others. He there became a prominent man at the head of the Australian Police, and was respected by every one.

Madden states:—

Robert Emmet, on his arrival in Dublin, in October, 1802, was soon in communication with several of the leaders who had taken an active part in the former rebellion. He was likewise in communication with some very influential persons, who were cognizant of all the proceedings of the leaders, and who promoted their views, and directed their movements, behind the curtain.

The persons of respectability, and those of influence among the middle classes in Dublin and the adjoining counties, who were associated with Robert Emmet in his attempt, were the following:

Thomas Russell, formerly lieutenant of the 64th regiment of foot; John Allen, of the firm of Allen and Hickson, woolen drapers, of Dame-street, Dublin; Philip Long, a general merchant, residing at No. 4, Crow-street; Henry William Hamilton (married to Russell's niece), of Enniskillen, barrister-at-law; William Dowdall, of Mullingar (natural son of Hussey Burgh, formerly secretary to the Dublin Whig Club); M. Byrne, of Wicklow; Colonel Lumm, of the county Kildare; —— Carthy, a gentlemen farmer, of Kildare; Malachy Delany, the son of a landed proprietor, county Wicklow; the Messrs. Perrot, farmers, county Kildare; Thomas Wylde, cotton manufacturer, Cork-street; Thomas Lenahan, a farmer, of Crew-hill, county of Kildare; John Hevey, a tobacconist, of Thomas-street; Denis Lambert Redmond, a coal factor, of Dublin; —— Branagan, of Irishtown, timber merchant; Joseph Alliburn, of Kilmacud, Windy-harbour, a small landholder; Thomas Frayne, a farmer, of Boven, county of Kildare; Nicholas Gray, of Wexford—had been Harvey's aide-de-camp at the battle of Ross; John Stockdale, printer, Abbey-street; and John Madden, Donnybrook. There were, moreover, several persons of respectability, some of distinction, who were cognizant of his plans and supposed to be favourably disposed toward them, but who took no prominent part in their execution. Among these were the Earl of Wycombe (a little later Marquis of Lansdowne), a brother of the Knight of Glynn, John Keogh, Esq., of Mount Jerome. I do not add to this list the late Lord Cloncurry, though he certainly was cognizant of Emmet's plans and objects, inasmuch as he has stated to me, that he did not think them likely to succeed and had expressed that opinion to Emmet.

In a footnote has been added:

To this list might be added William Todd Jones, a barrister and writer and a member of the Irish Parliament. A sketch of his career will be found in "Secret Service Under Pitt".

The persons in the humble ranks, who were looked upon as confidential agents by Robert Emmet were the following:—W. P. M'Cabe; James Hope, a weaver, a native of Temple-patrick, who had been engaged in the former rebellion; Michael Quigley, a master bricklayer of Rathcoffy, in the county of Kildare; Henry Howley, a master carpenter, who had been engaged in the former rebellion; Felix Rourke, of Rathcoole, a clerk in a brewery in Dublin, who had been engaged in the former rebellion; Nicholas Stafford, a baker, of James Street; Bernard Duggan, a working cotton manufacturer, of the county of Tyrone, who had been engaged in the former rebellion; Michael Dwyer, the well-known Wicklow outlaw; a Mr. Malachy Dwyer (who in 1813, had a secret service money pension of £52 a year).

It will be shown that there were some in the above list who were rewarded by the English government for their services as spies. There were others again, some of whom were instrumental in bringing Emmet over from France, and who hoped to be benefited in case the movement was successful, but who kept entirely in the background, contributing nothing of their means to aid the cause, and were therefore unsuspected.

Thomas Sherlock wrote an article entitled "Robert Emmet, the Story of His Life and Death" for "Young Ireland", which was reprinted in pamphlet form in 1878. Mr. Sherlock accurately states the situation as follows:

In an interview with James Hope, early in 1803, Emmet distinctly stated that he had been invited over to Ireland by "some of the first men in the land". There

appears nothing improbable about the assertion if we reflect that the Union had been doing its mischievous work for nearly two years, and that there still remained in the country a remnant of the high-spirited Irish gentry, who had officered the Volunteers and had supported the patriot party in the extinguished Parliament. But most of these "first men" remained prudently in the background all through—kept free from the fearful risks incidental to the project, and as far as can be ascertained gave neither money nor exertion towards its furtherance. The Earl of Wycombe, afterwards Marquis of Lansdowne, and Mr. Fitzgerald, brother of the Knight of Glynn, would appear at least to have been aware of Emmet's design, for they visited him at the lodgings where he was lying in secret. John Keogh of Mount Jerome, too—O'Connell's predecessor in the leadership of the Catholics—there is a good reason for believing was in Emmet's confidence. How far John Philpot Curran was concerned in the project, or whether he was made aware of any definite scheme for the overthrow of the English power in Ireland, there is no evidence forthcoming. But that he had no moral objection to an insurrectionary effort is put beyond all doubt by the record of a conversation which took place at John Keogh's dinner table towards the close of 1802. Emmet spoke energetically in favour of the probabilities of success which should attend a rising the next year. Keogh, ever cautious, rejoined that the matter was one of facts and figures, and asked how many counties could be relied on to rise.

Emmet answered that nineteen could, and turning to Curran inquired "Would you say that an attempt should not be made with less?" "No," was the decisive reply of Curran; "if there were two counties that could be thoroughly depended on, I would think about it".

While the writer was preparing this chapter he saw by accident an article in an Irish journal by a writer unknown to him, "J. Kelly". The article was of interest and a plea for a national biography, possibly with Alfred Webb's work as the foundation. After giving different instances where no record has ever been made of the countless number who have lost their lives in the service of their country, he wrote:

The 1803 episode furnishes another instance. Robert Emmet so completely absorbs the popular mind that the other brave men who suffered with him are not remembered; yet John McIntosh, Thomas Keenan, Henry Howley, Denis Lambert Redmond, Owen Kirwan, John Hayes, Thomas Donnelly, Nicholas Tyrrell, Michael Kelly, John Killen, John McCann, Felix Rourke, John Begg, Thomas Maxwell Roche, Edward Kearney and James Byrne, deserve to have their memories cherished. Madden relates that Owen Kirwan, who was a tailor, and kept a second-hand clothes shop in Plunkett Street, was physically, as well as morally, a fine type of man, and his wife was a very comely woman. She visited him in the jail the day before his execution, and urged him to be faithful to the end, notwithstanding the efforts made to induce him to turn traitor. The poor fellow assured her that there was no fear but that he would go to his death an honest man, and, said he: "Take this coat and sell it in the shop; there is no use in having it destroyed; it will get bread for the children". And he appeared the next day on the scaffold in Thomas Street in his shirt sleeves.

The writer would gladly place on record, if it were in his power, the name of every individual who took part with Robert Emmet. He would embody the names of all with those already obtained, with the hope that at some future day the special service of each might become known, but in every case, to a limited

extent only could justice be done. It is believed a like instance has never occurred in Ireland or elsewhere, where so great a number were ever wantonly murdered after the outbreak had failed, by those connected with the Government, without the slightest pretext beyond a recognition of their nationality and apparently an effort to exterminate the race.

The formidable aspect of Ireland, as an independent State, appears indeed, to have a strong and fatal impression on the councils of England at an early period.

T. A. Emmet.

Grattan and Flood in this case were but two skilful actors indulging in oratorial horse-play at the death-bed of the murdered hopes of a people.

James Connolly.

Chapter V

Irish Secretary Wickham's report to Viceroy, December, 1803, shows Government was aware from beginning of Emmet's preparations—Pitt encourages movement with ulterior objects—Robert is left unmolested after return from France, November, 1802—Stated he went into tanning business with Patten, and person named "Noms"—This Noms, or Norris, suspected of being Government spy—Robert's father's death in December furnishes means for preparations—David A. Quaid's statement about the will—Details of preparations—Takes no personal part, but receives daily reports—Great secrecy baffles Government agents and even fellow-conspirators—Knowledge of chemistry employed in work—Invention of what afterwards became known as Congreve rocket—Pikes manufactured in large quantities—Author believes pikes should have been sole weapon of insurgents—Explosion in depôt, July 16, begins confusion—July 23 finds everything in disorder—Treason and Government agents by false reports break all combinations—But Robert decides to take a risk with forces in hand—No discipline—Murder of Lord Kilwarden—General rout on appearance of the military.

MACDONAGH states in his work, "The Viceroy's Post Bag," that there was found among the Hardwicke papers an account of the "Emmet Outbreak" prepared by the chief Irish Secretary, William Wickham, in December, 1803. Besides what is given here, the greater part of Wickham's report can be found also in the "Memoirs and Correspondence of Viscount Castlereagh". A sufficient part of the early portion at least has been put in evidence to show that certain of the Irish Government had some knowledge of Emmet's movement from the beginning.* This was obtained early enough to substantiate the charge that its occurrence could have been prevented without difficulty, and it should never have been allowed to reach the point where the life of anyone was put in jeopardy. But the Government desired to bring about the uprising, and while following a policy of non-interference, did everything in its power to aid those who were thus misled and lost their lives, murdered according to a misconstruction of the law. It cannot be doubted that Pitt deliberately determined to punish the Irish people for their opposition to the proposed Union, urged by him between

*Dr. Madden mentions a letter found among Major Sirr's papers from Henry Haslett of Belfast, Tone's early and trusted friend, to Robert Hunter of Dublin, a suspected spy sent as a prisoner to Fort George, dated April 20th, 1803, by which it is shown that the authorities had full information concerning the outbreak three months before the explosion in Patrick Street.

England and Ireland; and to justify its establishment, resorted to the most discreditable measures of oppression, thus obtaining a pretext to check the continued turbulency and dissatisfaction of his own making, then existing among the Irish people.

Wickham's report states:

> He [Robert Emmet] returned to this country in November, 1802, where he remained unmolested, as he had done before, there being no charge against him, the circumstance of his having been despatched on this treasonable mission having only been discovered since the insurrection.

This, of course, was Secretary Wickham's version, intended for the public, on his being blamed for not knowing that Robert Emmet was at work; and while he had probably known of Emmet's course day by day and had been instrumental in sending the agent to Paris to mislead and get Emmet to return to Ireland, he could not take the public into his confidence.

However, while there existed no special known reason for Emmet's sudden departure from Paris, since his father was in his usual condition of health and his brother had as yet made no definite plans for going to America, as is shown by his letter addressed to Madame Gabrielle de Fontenay, the reason given for his return to Ireland might have been the necessity for establishing himself in some business.

MacDonagh, taking the clue from Wickham's narrative, was the first to call attention to the fact that Emmet, having been expelled from Trinity College (the authorities ignored his resignation, although made before the college investigation began), was debarred from entering any of the professions. From necessity, therefore, sooner or later, he had to turn to trade for his support.

Wickham states in his report:

> When Emmet came over in November he applied himself, together with Patten, a nephew of Mr. Colville, the Governor of the Bank, to the tanning business, which they were to learn from a notoriously disaffected but very ingenious man of the name of Noms, whom they took into a sort of partnership, Patten furnishing the money.

The narrative also states:

> Should their venture fail, they decided to emigrate to the United States and begin business there as tanners.

If there is any truth in the statement of Wickham, the author has no hesitation in making the charge that Noms was a Government spy and the man who was sent over to Paris to induce Robert Emmet to return to Ireland to take charge of an expected uprising, which on his arrival he found already organized, as stated at his trial. The connection of Robert Emmet with the tanning business was for the first time made known by the publication of the Hardwicke papers; and the same is true in regard to the name of Noms, unless he represented some one associated with Robert Emmet under an assumed name. Madden makes no mention of the name, which fact of itself throws doubt on Wickham's statement. Madden was an intimate friend of John Patten while

he was writing his work, and afterwards until Patten's death, and from him he obtained an intimate knowledge of every detail connected with the life of Robert Emmet, who had been a companion and friend of his early manhood. As Patten is said to have been one of the tanners and to have supplied the money for the enterprise, assuming that there is any truth in the statement, there was certainly no reason why Dr. Madden should have had no knowledge of the connection. Had any one bearing the name of Noms been connected with Robert Emmet at this time he certainly would have been known also to Miles Byrne, who makes no mention of the name in his memoirs.

Noms is therefore a fictitious name mentioned by Wickham, to allow some Government spy to escape from the country after he had rendered the service for which he was employed, and who was known to Robert Emmet and his associates under another surname.

The death of his father in December, together with his mother's change of residence and the shutting up of "Casino" caused Robert to make other arrangements, as he did not accompany her and his sister, Mrs. Holmes, with the children of his brother to their smaller but more convenient residence in a more distant suburb of Dublin.

Robert Emmet had doubtless returned to Ireland with the expectation of conducting a revolutionary movement, and the only check to his progress was probably the want of money. During the period of apparent inactivity previous to his father's death, while he was living at "Casino", he doubtless was making an effort to supply this deficiency, which barred his progress. Since he had finally to supply the means, it is evident that in this he met with no success, and it is possible that but for an unexpected event the revolution might have been abandoned, at least for the time. Dr. Emmet and his wife had received their death blow on the arrest and imprisonment of their son Thomas Addis; but the sudden death of the father was unexpected. As if Providence was in sympathy, Robert Emmet was at once furnished with the means by the terms of his father's will. The presentation of the contents of Dr. Emmet's will by Mr. Quaid in his sketch of Robert Emmet, has created a new interest with the writer and all relating to the younger son will be quoted.

Mr. Quaid states:

> Dr. Emmet's will concludes with a bequest of the remainder of his fortune to his sons, Thomas Addis Emmet and Robert Emmet, *share and share alike.*
>
> Afterwards Dr. Emmet varied the will by the undated codicil before referred to. I quote it rather fully owing to its giving particulars which cannot be questioned of the moneys which were to have been received by Robert Emmet out of his father's estate from his brother-in-law, the executor and trustee, Robert Holmes.
>
> The codicil is in Dr. Emmet's handwriting and commences by stating that, "Whereas, at the time of making and perfecting the within, I had £2,000 in hand, or securities to the amount, *ready to be handed over to my son, Robert,* to fix him in any line of business might have appeared eligible, but not having been since given him, I hereby establish the same, or so much thereof, as I shall not pay to him during my life as a just debt and claim upon my assets *over and above the £2,000 within bequeathed to him* . . . now I hereby appoint that said annuity shall, during the life of my said wife, be paid to her in lieu and stead of the interest money on £2,000 *within bequeathed to my son, Robert,* but

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House on Butterfield Lane, leased by [Robert Ellis], Robert Emmet, 1803.

not payable to him until after her death, *and which consequently I now will and appoint to be paid to him immediately after mine . . . and my son, Robert, will, immediately after my decease, have £2,000 to apply as he may think best, with what residue of the £2,000 which I now owe him as shall at my death remain unpaid,* wherefore, I hereby appoint the above regulation written by myself as a codicil to my within will, &c. . . . " Some time after the 28th December, 1802, the date upon which the probate was issued to Mr. Holmes, he must have made Robert Emmet a payment on foot of the two legacies coming to him, one of £2,000, and the the other, a balance of the £2,000, to have been paid him by his father. . . . It is quite possible that the realization of the assets had not been completed and that Robert Emmet, therefore, might not have received the entire amount coming to him. The sale of "Casino" does not appear to have been fully completed until after Emmet's death, and even after payment of the legacies, there probably was a residue divisible between Robert Emmet and his brother. That residue could not have been ascertained until long after Emmet's death. Emmet, however, who was, after his father's death entitled to a sum of between £3,000 and £4,000, expended all the money he received from Holmes in the Revolutionary movement. He staked everything on the fateful issue—his life and fortune.

The *Dublin Evening Post* of 24th September, 1803, states that Emmet 'received at the death of his father £2,500, and had expended of that sum £1,400 to purchase the arms found.'

The Dublin "Evening Post" was at this time subsidised by Government advertisements, and it is impossible to believe with certainty anything it states about Emmet, writing, as it did, in the interest of Government. Mr. Quaid, however, states that there must have been a larger additional sum due Robert Emmet than it is generally thought he received. In addition, a Mr. Long of Dublin, a merchant, became a faithful friend of Robert Emmet to the end, and at this time advanced him £1,400.

Robert Emmet, shortly after his father's death, procured two buildings, in which to carry on his work, and selected two men to take charge of them and to execute his directions, together with eight men as laborers. But only the two foremen knew that he had any connection with the work. Emmet thus adopted a different plan of organization in having no oath of membership, but in coming into personal contact with a few persons whom he trusted with the carrying out of his directions, in collecting arms and making the needed preparation. He never visited his different depôts until just before the outbreak, but each day's work was reported to him at night by Michael Quigley and Nicholas Stafford at his lodging house in Butterfield-lane, in the suburb at Rathfarnham and just outside of Dublin, across the canal bridge at Harold's Cross, on the south side of Dublin. He had lived until April at Harold's Cross, close to the bridge, in a house shown by the map on the east side of the street, when he leased the house in Butterfield-lane, at a greater distance out of town.

Quigley and Stafford were well fitted to their positions and could turn their hands to anything. The two lieutenants he thought could be trusted, but they knew nothing of his plans, nor was he known in the different parts except to a few separate leaders, in command of men who were ignorant of the chief leader and of any detail save that Dublin was to be attacked when they

were called out and armed. Robert Emmet has often been the subject of satire and ridicule for having selected his immediate associates from the most humble walks of life. He therein showed his wonderful sagacity and good judgment by having only these men about him while there was work to be done, as they were patriotic and never betrayed each other, had no plans, and only expected to work under direction. Yet Emmet made every arrangement to secure the services of others to command the men when needed, after the taking of Dublin Castle by surprise, which he expected to have been able to do with those about him, as but few were needed to strike the first blow.

It is stated in Wickham's narrative (according to MacDonagh) that such was the secrecy with which Emmet conducted these initial operations of his plot that not even his chief fellow-conspirators knew exactly the situation of the depôts. Emmet himself, on receiving the fifteen thousand dollars left him in his father's will, so completely disappeared from his social circle at the beginning of April, that the secret agents of the Executive were unable to discover what had become of him, or to determine whether he was in Dublin, or organizing in the provinces, or had left Ireland altogether. He took a lonely country house in Butterfield-lane, Rathfarnham, just outside of the city. Here he lived in absolute seclusion as "Robert Ellis", with the faithful servant, Anne Devlin, niece of Michael Dwyer, and there he was visited at night by his principal agents. He does not seem often to have inspected his depots in Patrick Street and Marshall-lane. Of the eight men employed in the manufactory of the warlike stores, only Quigley and Stafford were aware that he was at the head of the movement, and knew where he was to be found. To them he gave the necessary money for the purchase of materials and for the payment of five shillings a day to the mechanics employed in the depôts. From them he received regular reports as to the progress of the work.

After he had completed his arrangements, he had five special depôts established, with several smaller places for storing arms in different parts of the city. The chief one was in Marshall-lane, where the greater number of the pikes were made and stored in secret receptacles, with all the fire-arms, and so ingeniously were some of these places contrived that even at a recent date it has been thought doubtful whether these have all been discovered, except in the houses which have been pulled down.

In Patrick Street were made gun-powder and other explosives for use in the rockets and hand grenades, constructed by filling empty bottles with some explosive mixture and bullets or scrap iron.

At some point now unknown to the writer he had a store-house in a large timber-yard in Irishtown, on the eastern side of the city, and thus was able to obtain without exciting suspicion all the timber needed for making the pikes, which were transferred for storage in different localities by being secreted in large beams, hollowed out for the purpose. Across the Liffey to the north, between Hay-market and King-street, was a large open place where all the hay and straw traffic and cattle "on the hoof" were sold. On the west

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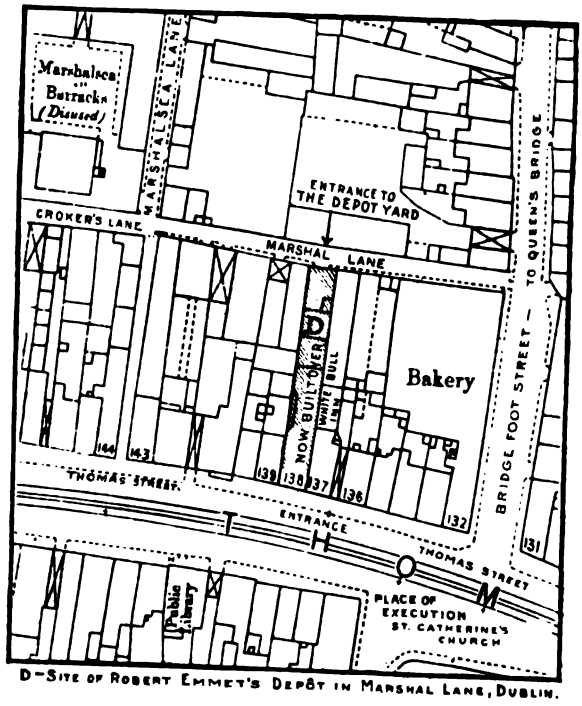
The unchanged entrance to Emmet's Depot in Marshal Lane



D—Site of Robert Emmet's Depôt in Marshal Lane, Dublin.

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MARSHAL LANE FROM BRIDGEFOOT STREET

Entrance to Robert Emmet's principal depot, shown by the position of the second lamp on the left

side, near King Street, Emmet had possession of a cellar, in which a large number of pikes were stored. It is very likely that the greater number of persons living in this neighborhood, as well as the people from the country who dealt there, knew of this depôt and sympathized with the movement, as neither its existence nor that of the one at Irishtown, was ever made known to the Government, while the depôt in Patrick Street was filled with spies. In a cellar on the northwest corner of Wine-tavern Street and Cock Hill or John Street, and diagonally across from Christ Church, there was a large number of pikes in store.

There has existed some confusion as to the exact position of this chief depôt, which Miles Byrne always designated as the depôt at Thomas Street, while other writers without personal knowledge, have followed Madden and located it in Marshall-sea-lane. Mr. Fuller, in writing to the author, has pointed out the cause of the confusion, and from the data furnished me by Mr. John Reynolds (the author of "Footprints of Emmet"), and all other known on the subject, I have worked out a portion of an ordnance map of the City of Dublin, so that there can remain no doubt in the future.

Mr. Fuller writes (March 20th, 1914):

> First of all you will note that the lane which Dr. Madden and others have called Marshall-sea-lane is really Marshall-lane from the Bridge-foot entrance and Marshall-sea-lane from the other end. The depôt was at 138 Thomas-street. No. 138 has been rebuilt and therefore of no interest. But the old gateway and wall in the lane are probably as they existed in Robert Emmet's time, and I am having a photo taken. On Reynold's picture [taken from Bridge-foot-street and not Thomas], which I return, I have marked showing the location of this old gateway close by the lamp in the middle of the lane on the left side of the lane.

According to the ordnance map, the statement that the entrance to the depôt from Thomas-street was between 138 and 139, is incorrect; it still exists between 136 and 137, and at that time was the entrance to the White Bull Inn, kept by Mrs. Dillon. From the inn there was a gateway into the yard of the depôt, and into Marshall-lane. The passageway from Thomas Street entry, between 143 and 144, and extending to Marshall-sea-lane, was not more than ten feet in width, and had no entrance into the buildings on either side. Marshall-lane only extended from Bridge-foot-street to Croker-lane.

The depôt at Irishtown was of interest from its situation at the beginning of one of the breakwater piers, which extended out to deep water on each side to form a shelter from the sea. At low tide these piers reached to a great distance across the exposed sand, and at the extreme end of the pier off Irishtown there was a small fortification commanding the inner entrance and called the "Pidgeon House" Fort. Branagan, who kept the lumber yard close at hand, was to have seized this fort with his men on the evening of the outbreak. It would have been low tide, and not yet dark, and while the sand was covered with people digging clams those in the little fort could have been easily surprised.

Robert Emmet's knowledge of chemistry enabled him to make his explosive mixtures and gunpowder. He possessed a remarkable mechanical skill, and was so ingenious that seemingly he was never at a loss for a device, while with his skill in drawing he readily demonstrated to his able assistants what he wanted done. He thus was enabled to have formed many receptacles for hiding the pikes and other munitions of war. These pikes he had formed with a hinge in the middle of the staff, so that when folded they could be carried through the street under the long coats worn by the men.

Under his direction Quigley put up at night, with the assistance of Stafford and without the knowledge of the men, a false back-wall from the floor to the ceiling, thus forming a large storage-room on each story of one of the depôts, with the entrance so perfectly concealed that its existence was never known or suspected by the police. He had made about fifteen thousand pikes, which he was able to distribute to different parts of the city in magazines, with several hundred pistols, some rockets, gunpowder and explosive mixtures in logs, which were to be exploded by fuses. Robert Emmet's inventive skill and his knowledge of chemistry enabled him to devise and to perfect, as a munition of war, the present so-called Congreve rocket, which he was able to do by testing it at night in the country. No munition of war ever invented, with the exception of the grape and canister, could cause so much havoc with a body of men at short range as this rocket. The writer has looked into this matter and he is positively of the opinion that the English Government decided that under no circumstances should the name of Robert Emmet be associated with the rocket as the inventor. Congreve was taken in hand and kept employed nominally in manufacturing it, until his name became permanently associated with it.

Dr. Madden also investigated the matter at a period when he was able to obtain all the information needed, and was of the opinion that Congreve had never heard of the arm until the English Government began to give him credit as the inventor.

The writer has often wished that Robert Emmet had never heard or thought of it until invented by Congreve, as he believes Emmet's knowledge of chemistry, which led to the perfecting of this rocket, and to the production of other explosives, increased the risk of detection, so that the cause of failure was finally due to an explosion and his fondness for chemistry.

Robert Emmet might have been successful, notwithstanding the fact that he was surrounded by spies in the employ of the Government, had he simply confined the organization to those he could trust and to the making of at least fifty thousand pikes. He could have trusted to the leaders in the country to form a commissariat in different sections. If so organized the country people could have begun the work as soon as the first move was made in Dublin, and if successful in seizing the city, he could have quietly waited until assistance arrived from France, or until he was able to decide at his leisure as to his next move, for the Government was helpless to have made any defence in the country.

The experience of 1798 demonstrated what could be done with the pike in the hands of determined men. For days, and until the Irish had to divide up and scatter in quest of food, with the destruction of all form of military discipline in consequence, they were successful. The uneducated and undisciplined Irish peasant, with courage and a strong arm, drove the best-drilled troops in the world, as the English infantry were, before them as chaff, and the cavalry, after the first engagement, never made a second charge against the Irish. After they had drawn the English fire, the pikemen were upon them, routing them with great slaughter before they could reload, the artillery showing themselves as unable as the infantry to stand the charge of the Irish pikemen. In a few days the Irish were in possession of more arms and ammunition than they could take care of, and with a little system it would have been possible to have furnished everything needed for the outfit of any body of men.

Here we reach the turning-point in Robert Emmet's life, up to which time he had been the master of the situation. The English knew nothing of his whereabouts, and had no proof that he was in any way implicated with the movement of the existence of which they had full knowledge, but only suspected that he was the leader.

Had the Government been able to arrest Emmet on positive proof of any act of treason, the arrest would have been made months before. If the arrest had taken place, the few individuals who really had any hand in the work, would have quietly disappeared; nor would there have been any evidence of preparation, as the pikes and other munitions of war would not have been found. So little evidence really existed that had Emmet been arrested he would have probably been discharged in a short time, since he could not have been held in absence of any proof.

But after the explosion Robert Emmet left Rathfarnham and lived in the Marshall-sea-lane depôt. He was no longer his own master, as he was now forced to visit all the depôts and take personal charge in order to hurry the preparation for the outbreak, which was set to take place within a few days, although the preparations for it were at least a month behindhand. The delay had been unwillingly agreed to by Emmet, but he had yielded to the judgment of the majority. During his last visit to Paris, before his father's death, he had an interview with Bonaparte, and was in frequent communication with Talleyrand, yet he had less faith in aid from France than had his brother or any of the other leaders. He, however, agreed to the delay until the French were ready to invade England, or land a force in Ireland. Undoubtedly, Johnstone, the rocket-maker and spy, obtained a knowledge of the cause of delay and communicated it to the Government, so that the supposed accidental explosion is now believed to have been a deliberate act to force the issue.

The morning of the 23rd of July found Emmet and the leaders, in whom he confided, not of one mind; there was division in their councils, confusion in the depôts, consternation among the citizens who were cognizant of what was going on, and treachery, tracking Robert Emmet's footsteps, dogging him

from place to place, unseen, unsuspected, but perfidy nevertheless, embodied in the form of patriotism, employed in deluding its victim, making the most of its foul means of betraying its unwary victims, and counting already on the ultimate reward of its treachery. Portion after portion of each plan of Robert Emmet was defeated, as he imagined, by accident, or ignorance, or neglect, on the part of his agents; but it never occurred to him that he was betrayed, that every design of his was frustrated, every project neutralized, as effectually as if an enemy had stolen into the camp of an opponent, seduced the sentinels, corrupted the guards, discovered the actual resources of the party, bewrayed the plans, disconcerted the projects, and then left the adversary to be forced into the field, and discomfited there.

Various consultations were held on the 23rd, at the depôt in Thomas-street, at Mr. Long's in Crow-street, and Mr. Allen's in College-Green, and great diversity of opinion prevailed with respect to the propriety of an immediate rising, or a postponement of the attempt. Emmet and Allen were in favor of the former, and, indeed, in the posture of their affairs, no other course was left, except the total abandonment of their project, which it is only surprising had not been determined on. The Wicklow men, under Dwyer, on whom great dependence was placed, had not arrived: the man who bore the order to him from Emmet neglected his duty and remained at Rathfarnham. The Kildare men came in, and were informed, evidently by a traitor, that Emmet had postponed his attempt, and they went back at five o'clock in the afternoon. The Wexford men came in and, to the number of 200 or 300, remained in town the early part of the night to take the part assigned to them, but they received no orders. A large body of men were assembled at the Broadstone, ready to act when the rocket signal agreed upon should be given, but no such signal was made.

It is evident that Emmet to the last counted on large bodies of men being at his disposal, and that he was deceived. At eight o'clock in the evening he had eighty men, nominally under his command, collected in the depôt in Marshall-sea-lane. In the neighborhood several of the leaders were assembled at Mr. Hevey's house, 41 Thomas Court, and refreshments were not wanting, while messengers were passing backward and forward between his house and the depôt.

At a public house in Thomas-street kept by John Rourke, there were crowds of country people drinking and smoking, in the highest spirits, cracking jokes, and bantering one another, as if the business they were about to enter on was a party of pleasure. Felix Rourke kept constantly going between this house and his brother's, dressed in plain clothes; at no time was he dressed in the rebel uniform, as was sworn by the approvers on his trial. About nine o'clock, when Robert Emmet was beginning to reflect on the failure of all his preparations, the holding back of the people on whom he mainly reckoned, Michael Quigley rushed into the depôt, and gave an alarm which turned out to be a false one.*

*This was the first but not the only act of Quigley, which caused some of the most reflecting and trustworthy of his associates to suspect his fidelity. Notice the confirmation of the statement of one of Emmet's associates, as to the false alarm at the depôt the evening of the 23rd July, in Mr. Marsden's account of the insurrection.

He said: "We are all lost, the army is coming on us". Then it was that Robert Emmet was determined to meet death in the street, rather than wait to be cooped up with his followers in his den, and massacred there or captured and reserved for the scaffold. He put on his uniform, gave his orders to distribute the arms, and, after sending up a single rocket, sailed into Thomas-street with about eighty men, who were joined there, perhaps, by as many more, before they were abreast of Vicar-street. The design of Emmet was to attack the castle. The greater part of the gentlemen leaders were not with Robert Emmet; several remained at Hevey's, others were at the house of John Palmer, in Cutpurse-row, and elsewhere, in the immediate vicinity of the scene of action—waiting, I presume, to see if there was any prospect of success, or any occasion for their services that was likely to make the sacrifice of their lives of any advantage to their cause.

The motley assemblage of armed men, a great number of whom were, if not intoxicated, under the evident excitement of drink, marched along Thomas-street without discipline, with their ill-fated leader at their head, who was endeavoring to maintain order, with the assistance of Stafford, a man who appears to have remained close to him throughout this scene, and faithful to him to the last. Between the front ranks and the rear there was a considerable distance, and it was in vain that Stafford and others called on them repeatedly and sometimes with imprecation to close their ranks, or they would be cut to pieces by the army. They were in this state at about half past nine, when Robert Emmet, with the main body, was close to the old market-house. The stragglers in the rear soon commenced acts of pillage and assassination.

Emmet halted his party at the market-house with the view of restoring order, but tumult and insubordination prevailed. During his ineffectual efforts, word was brought that Lord Kilwarden was murdered; he retraced his steps, proceeded towards the scene of the barbarous outrage, and in the course of a few minutes returned to his party: from that moment he gave up all hope of effecting any national object. He saw that his attempt had merged into a work of pillage and murder. He and a few of the leaders who were about him abandoned their project and their followers. A detachment of the military made its appearance at the corner of Cutpurse-row, and commenced firing on the insurgents, who immediately fled in all directions. The rout was general in less than an hour from the time they sallied forth from the depôt.

What did the Volunteers?
They mustered and paraded
Until their laurels faded,
This did the Volunteers.

How died the Volunteers?
The death that's fit for slaves,
They slunk into their graves,
Thus died the Volunteers.

James Hope.

Arrah, Paddies, my hearties, have done wid your parties,
Let min of all creeds and profissions agree;
If Orange and Green min, no longer were seen, min,
Och naboclish! How aisy ould Erin 'd be free!

James Hope.

Chapter VI

James Hope's account of preparations for 1803—Robert Emmet not originator—Preparations begun in Dublin to second effort in England under Colonel Despard—Robert sent from Paris in consequence of reports received—Exiles in Paris duped—False reports of assistance from France—Napoleon's vacillation—Persons connected with Talleyrand warn Irish in Paris that Napoleon is negotiating with English Government—Thomas Russell of opinion that conspiracy is the work of the enemy—Emmet satisfied if failure would not compromise Catholic cause—Emmet's "Plan"—Wicklow contingent under Dwyer fails to connect through neglect of messenger—Men in depôts faithful—Only three or four turn when lives are in danger—Bernard Duggan confirms Hope's statements to Madden—Emmet receives information from alleged friends in Castle—Later believed to have been duping him—Letter of Wyndham to Lord Grenville in London—Government unprepared militarily—Failure ascribed to fortuitous circumstances—English hold French in contempt, never more than in Pitt's time—Original promoters of conspiracy probably always remain doubtful—By some believed work of reactionaries—Madden's opinion.

ROM the following paper in Robert Emmet's handwriting, found in the Marshall-lane depôt, we are able to see that after the explosion, and before the outbreak, he had begun to realize some of the difficulties before him in consequence of the want of proper assistance from the leaders who had already begun to desert him.

I have little time to look at the thousand difficulties which still lie between me and the completion of my wishes; that those difficulties will likewise disappear I have evident, and I trust, rational hopes; but if it is not to be the case, I thank God for having gifted me with a sanguine disposition. I run from reflection; and if my hopes are without foundation—if a precipice is opening under my feet from which duty will not suffer me to run back, I am grateful for that sanguine disposition which leads me to the brink and throws me down while my eyes are still raised to the visions of happiness that my fancy formed in the air.

Robert Emmet began his active preparations in March, and in Madden's judgment the most authentic account of Emmet's movements was obtained from James Hope, who was in constant attendance until he was sent North a few days before the outbreak. Hope wrote:

The following account is designed to give you an idea of Robert Emmet's business in 1803, from the commencement to its close and discovery:

Mr. Emmet was not, as has been supposed, the originator of the preparations of 1803. These had been begun in Dublin, to second an effort in England, expected by some Irishmen, under Colonel Despard. This information found its way from Ireland to the British Government, through the imprudence of Dowdall in Dublin, who was Colonel Despard's agent—namely, that some preparation had been begun there to second the Colonel's effort. Information of Dowdall's proceedings, on the other hand, had reached the refugees in Paris, by whom Robert Emmet was sent to Dublin to ascertain the state of things then. He fell into the hands of men by whom he was advised to go on with the necessary preparations for an effectual rising, with a solemn promise of every assistance in money and advice. Mr. Emmet came over first, Hamilton next came, and Quigley about the same time. Hamilton was sent back to Paris to bring over Russell, who came over immediately, and I soon was placed in close communication with him. Mr. Emmet, soon after his arrival, had lodgings at Harold's-cross, in the house in which he was ultimately taken after having quitted Butterfield-lane. Both Emmet and Russell were strongly opposed to the party called "foreign aid men", and I had been so from the beginning.

Situated as the Irish exiles were in Paris, they were easily duped into a fresh struggle, by the information they received from some of the higher order in Ireland, who had some suspicion of what was going on, but no precise knowledge of the design.

Some persons in connection with Talleyrand, in 1802, gave the Irish refugees to understand Buonaparte was in treaty with the British Government to banish them from France, their residence there not being considered favourable to Buonaparte's imperial views. A fabricated letter came to the North dated from Paris, about this time, purporting to be from a captain of a French lugger, off the Giant's Causeway, having 10,000 stand of arms on board for the service of the United Irishmen. The letter was in bad English; the paper, however, was English manufacture—it was fabricated by our enemies. The fire of 1798 was not quite extinguished—it smouldered, and was ready to break out anew. There were persons of distinction in the confidence of our leaders, who kept up communication with them in exile, and were in league with the oligarchy at home, which Russell and Emmet, from the purity of their intentions, never suspected.

At my first interview with Mr. Emmet, on his arrival from France, he told me that "some of the first men of the land had invited him over"; he asked me my opinion, "was I for an appeal to arms"? I replied "I was". After some further conversation, he said, "his plan was formed".

On my second interview with Mr. Emmet, he told me he would require my constant assistance, and said that two stores were taken, and workmen had been selected. Mr. Emmet engaged in this attempt in consequence of promises, from the upper ranks, of assistance to make the preparation general over the island. When money failed, however, treachery in the upper ranks began to appear, as in all former struggles. No money was forthcoming, and Mr. Emmet had no alternative but to shut the stores and discharge the men, which must be attended with the worst consequences; or go to work with what resources he had, which, if properly directed, were fully sufficient to take the city and Castle of Dublin.

On making a remark to Mr. Emmet respecting the defection of Colonel Plunket, he said: "There were many who professed to serve a cause with life and fortune, but if called on to redeem their pledge, would contrive to do it with the lives and fortunes of others.

"For my part", said he, "my fortune is now committed; the promises of many whose fortunes are considerable are committed likewise, but their means have not been as yet forthcoming. If I am defeated by their conduct, the fault is not mine.

Even my defeat will not save the system which I oppose; but the time will come when its greatest advocates cannot live under the weight of its iniquity; until which time my reasons for the present attempt will not be fully understood except by the few who serve and may suffer with me. The elements of dissolution are gathering around the system by which these two islands are governed and the Pitt system will accelerate its fall".

Having been Mr. Emmet's constant attendant for some months, on our way from the depôt in Dublin to his house in Butterfield-lane many conversations of this kind have passed, and many things that I learned from him are sealed up by his last request. In conversing on the state of the country, I expressed an opinion to Mr. Emmet on the subject of the rights of the people in relation to the soil, which until they were recognized, it would be in vain to expect the North would be unanimous. On expressing this opinion at some length to Mr. Emmet, his answer was: "I would rather die than live to witness the calamities which that course would bring on helpless families; let that be the work of others—it shall never be mine. Corruption must exhaust its means before equity can establish even its most reasonable claims".

Russell and Hamilton were of Mr. Emmet's opinion on that subject. "This conspiracy," said Russell, "is the work of the enemy; we are now in the vortex—if we can swim ashore let it not be through innocent blood; if the people are true to themselves, we have an overwhelming force; if otherwise, we fall, and our lives will be a sufficient sacrifice". "One grand point", said Mr. Emmet, "at least will be gained. No leading Catholic is committed—we are all Protestants—and their cause will not be compromised". Shortly after the preceding conversation, I was ordered to go with Russell to the North a week before the outbreak, and on the following morning Russell and I left Mr. Emmet's house before day. When I left Dublin.* Arthur Devlin was appointed in my place to attend Mr. Emmet. There was a gentleman from Cork, and also one from the county Meath in Mr. Emmet's company the day before we left him.†

Mr. Emmet's great object was to attack the castle and make hostages of the viceroy and officers of Government, but the Kildare men were the only men who were at hand; there was a party of Wexford men under Michael Byrne, now in France at Ringsend, or the neighborhood of it. Mr. Emmet relied too much on the North when he sent Russell there. The man who was to supply my place, and entrusted with the arrangements between the people of Dublin and those who were expected from Wicklow, was sent to communicate with Dwyer, but that man remained at Rathfarnham, and his doing so caused all the plans to fail, for instead of the organized party which was expected, a body of stragglers only appeared in Thomas-street, who killed Lord Kilwarden and a clergyman, named Wolfe (whom they should only have detained as prisoners); and Mr. Emmet seeing nothing but disorder, and having no communication with any regular body, some of whom remained all night under arms, he with a few friends returned to Rathfarnham, and the people shifted for themselves.

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*This was the one fatal mistake made by Robert Emmet, on which rested his failure. Had he retained Hope at his side to the last, he would have been informed by the only man he could then trust, that he had been betrayed and not a direction given by him had been carried out. This he would have learned from Hope in time to have quietly dismissed all his followers and have found a place of safety until a better opportunity presented.

†"Hope says the only two persons of distinction he saw at Emmet's were Mr. Fitzgerald, the brother of the Knight of Glynn, and a nobleman, Lord Wycombe, the son of the Marquis of Lansdowne, who subsequently, in the county of Meath, offered him, through his steward, the means of leaving the country, which Hope declined to accept. John Henry, Earl of Wycombe, born 1765, succeeded to the title of Marquis of Lansdowne, May the 7th, 1805. His lordship married the widow of Duke Gifford, Esq., of Castle Jordan, county of Meath, in 1805; died without issue 15th November, 1809, and was succeeded by his half-brother, Lord Henry Petty, the present marquis. The Earl of Wycombe, in 1803, was thirty-nine years of age. There is no doubt that he was cognizant of Robert Emmet's plans in 1803, and privy to his preparations for insurrection while they were carrying on at the depôt in Thomas-street. He was of very decided republican principles, and so was known to be in 1803 to my informant, Mr. J. Patten, the brother-in-law of Thomas Addis Emmet. James Hope, who worked in the depôt in Thomas-street, and was one of the trusty and trusted friends of Robert Emmet, told me he saw Lord Wycombe there with Mr. Emmet, and also the brother of the Knight of Glynn." (Given in a footnote by Madden.)

REPRODUCTION BY ANNA FRANCES LEVINS

JAMES HOPE
From an oil portrait in the possession of F. J. Bigger, Belfast

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The reason he went to Rathfarnham was that he had despatched the messenger [Arthur Devlin] to Dwyer in the Wicklow mountains, and expected him by daylight, but Dwyer got no intelligence until he heard of the defeat, or rather miscarriage of Emmet's attempts on Dublin. Arthur Devlin was a relative of Dwyer and went with him to Botany Bay. Another man, a cousin of his, named Michael Dwyer, had been likewise sent on a message to Dwyer, and he also neglected his orders; he pretended to go, and stopped near Dublin.

In the several depôts there were no less, to my knowledge, than forty men employed, only three or four of whom became traitors, and that not till their own lives were in danger. The men behaved with the greatest prudence, none seeming to wish to know more than concerned their own department; each man's duty was kept separate and secret from the other. I was first attached to the rocket depôt in Patrick-street, and then had to superintend the ammunition in its making up and delivery, and the transporting arms and gunpowder to the country. I was in the habit of calling on Mr. Emmet when I wanted instructions through the day, and reporting progress at night.

Bernard Duggan, an outdoor emissary, chiefly employed in carrying communications, also made a statement to Dr. Madden. As he had been fully trusted by Robert Emmet and had been one of the superintendents of a depôt, his account is no less valuable than that given by James Hope, but is necessarily a corroboration of the other from the point of view of one in a more limited field. However, Duggan makes one statement which may be of more value than would appear to the casual reader, and he is the only one within the knowledge of the writer who makes any reference to the subject, being at the same time ignorant of its importance. His statement is:

To my knowledge, Mr. Emmet had secret friends connected with the Government, who gave him intelligence of all the movements about the castle. Mr. Emmet, during the preparations making in the depôt, had a house in Butterfield-lane, near Rathfarnham; the officers of the counties and several gentlemen often had interviews with him there, but none of those connected in the depôts, unless occasionally to carry a message to him, went there. Mr. Emmet went often to the head depôt—both by day and by night the writer was often called to attend him, to act as a body guard through the streets, walking on the other side of the way as he went along, and *occasionally some men of the former were ready at a moment's notice to defend Mr. Emmet.*

Can this mean anything else than a corroboration of the suspicion often expressed in a general manner that the movement was gotten up by the agents of the Government, who, as spies, were always about Emmet, giving him from time to time deceptive and unimportant information; but at a moment's notice ready to accompany him on his visit to the depôts, under the pretence of protecting his person, while they thus had the opportunity of seeing what was going on? It becomes a question as to how many of these officers of the counties he had constantly about him were spies, as their promises to him were not verified in the organization they claimed had been effected throughout the country.

The following letter is of interest as relating to the first intelligence received in London of the outbreak under Robert Emmet in Dublin. To have reached London in three days was remarkable, as frequently it required almost as long to cross the Irish channel in a sailing-vessel. This letter is

from "Historical Manuscripts of J. B. Fortesque, Esq., preserved at Dropmore", Vol. VII, London, 1910. The letter was written by W. Wyndham to Lord Grenville:

JULY 27-28, 1803. House of Commons.

The plot thickens, or rather the piece opens with an incident as dreadful and alarming as can well be conceived. A messenger has arrived, a few hours since, from Dublin, bringing an account of an insurrection having broken out, the extent of which is not distinctly known, and which Ministers do not seem disposed to state even to the extent to which they do know it; but of which the first effects have been the murder of the Chief Justice [Lord Kilwarden], who is said to have been pulled out of his carriage and torn to pieces by the mob; and of the foreman of the grand jury, a Mr. Clark, who is reported to have been killed as he was carrying up an address to the Castle. From some circumstances, too, mentioned to me by Corry, it would seem that this was only part of a rising which was to take place at once in various parts of the kingdom. It is not at all clear that when the messenger came away the insurrection, even in Dublin, was got under. In fact I should rather conclude, from what I first heard from persons not connected with Government, and afterwards from the language of some who were, that, at the time of the letters being sent off, the issue of the contest remained still in suspense. A more frightful picture of the state of things in that part of [the] empire can not well be conceived, because even if the present insurrection should be suppressed, what must be the condition of a country in which such an insurrection could ever have broke out? The papers, of course, of this evening will be full of the news, but I thought I would send you the present hasty account, formed from the best intelligence which I have hitherto been able to collect.

I wish I could balance this in any degree by accounts of the activity of our preparations here; but, on the contrary, everything that I hear shows that the conduct of the Ministers in the execution of their measures is quite of a piece with the feebleness and dilatoriness which they have shown in bringing them forward. If I may rely upon Thelusson, who is now come to town, a camp of 1,300 men in his neighbourhood had for their whole ammunition 600 ball cartridges; and about the same number with others. I am afraid, too, that the whole of this general training will take the shape which you observed with you, of a separation of the town and village aristocracies from the lower orders of the people. The only cure that I can see is what we were talking about, of forming more efficient corps out of the remainder.

Whether or not a greater or less number of the Irish officials knew before the explosion in Patrick-street of the preparation going on for Robert Emmet's movement, it has never been denied that the Government was caught entirely unprepared and without the proper means for defence. It became known afterwards there was not in the arsenal a ball to fit any of the cannon and several hours passed before the arrival of a sufficient number of soldiers and cavalry could be collected to clear the streets of Dublin. Fifty years afterwards "The Nation" showed what the conditions were and stated:

Government escaped by a sort of miracle, by a series of accidents and mistakes no human sagacity could have foreseen, and no skill repair. Surrounded as Emmet was with spies and betrayed at every step, he could have taken the city with the few men who remained true to him had he been able to act promptly and with the aid of several leaders. Robert Emmet fully recognized with all the treachery about him that his failure had been due to fortuitous circumstances. For it is stated he was heard to say: "Had I another week (for additional preparation) had I one

thousand pounds, had I one thousand men, I would have feared nothing. There was redundancy enough in any one part to have made up in completeness for deficiency in the rest. But there was failure in all; plan, preparation and men."

The English officials in Ireland have always regarded the Irish people with the greatest degree of contempt, and at no time did this feeling exist to a greater extent than during Pitt's administration. The writer, after a fair investigation, has not the slightest doubt that both Pitt and the chief Irish Secretary were fully informed of the Emmet movement from the beginning, and that they, as already stated, were in all probability the instigators; under the circumstances, owing to their over-confident sense of superiority and security, no preparation was made to meet the issue.

We must again consider the question as to the origin of the Emmet movement, and for the profit of the reader it is better the views of Dr. Madden should be quoted than that the writer should express his version based to a great extent on Dr. Madden's labors (3d series, page 483):

There is another matter of more important consideration, than any other connected with his [Robert Emmet's] enterprise—the question of the origin in Ireland of those preparations for insurrection which Robert Emmet was sent over from France, by some of the United Irish leaders there, to inquire into the nature of. Did these preparations originate with the friends or the enemies of their cause? Were they commenced or suggested by parties of the old ascendency faction, who finding their consequence diminished, their power restrained, their former means cut off of maintaining a position in society, independently of industrious pursuits or their own legitimate resources, had become weary of a return, or an approach even to a return, of an administration of government of mild and constitutional character; and who were desirous of a pretext for going back to the old régime of "sword law" under which they flourished, and of which for the time being they had been recognized as useful and necessary agents? Some of these parties, when the reign of terror ceased, were unable to settle down to the honest occupations which they had relinquished for military pursuits in 1797 and 1798, violating the laws and expiating their crimes on the scaffold or in penal settlements. . . . But others, whose circumstances were less desperate and who were not driven by indigence or their headstrong passions to the commission of similar crimes, feeling their insignificance in tranquil times, remembered their importance in troubled ones, and not only longed for their return, but contrived in secret to effect it.

This is a very important question, and I feel bound to state that the result of my inquiries leads me to the conclusion that such was the origin of those views which were communicated, in 1802, to certain of the leaders of the United Irishmen in Paris. I have already shown that the authorities were not ignorant of the preparations that were making in Dublin for an insurrection in the summer of 1803.

The full extent of them they probably did not know at the commencement, but the general object, and the principal parties engaged in them, there is little doubt they were acquainted with. Lord Hardwicke was incapable of lending his countenance or sanction to the originating of the designs of the parties I have alluded to; but when they were so far matured and successful as to render the existence of a dangerous conspiracy no longer doubtful, when it was represented to Secretaries Wickham and Marsden that the best way of defeating it (they having a clue to its object and the means of disconcerting its plans) was to allow it to proceed and to expend itself without detriment to the Government, but with certain ruin to its own agents. There is reason to believe the course of action suggested was submitted to, and sanctioned by that evil influence in the councils of the British Government

of two former secretaries of Irish viceroys, Lord Castlereagh and Pelham, then members of the English ministry—but that course, though successfully acted on, was attended with the most imminent danger to the State. The Parliamentary record of the despatches between the Government and the General can leave little doubt of the fact. These matters are still subjects for grave inquiry, and they have a very important bearing on the judgment that is to be formed of the plans and projects of Robert Emmet, and of his character in relation to them.

Young Emmet loved his country with all the fervour of an enthusiast, and like others no less ill-fated, "not wisely but too well". Had he succeeded, the world would have said he loved it both well and wisely. However, he loved it, his devotion was a passion that had taken entire possession of his soul, that blinded him to the impediments that stood in the way of the accomplishment of his designs. He possessed his object, as if he believed the champions of liberty fought, at all hazards, at all times, under the protection of a sacred tutelary power, while those of depotism, less highly favoured, however they might seem to prosper for a time, were doomed eventually to fall, and to contribute to their defeat by their own efforts to avert their doom. To use the glowing language attributed to Emmet, in explanation of his opinions—"Liberty was the child of oppression, and the birth of the offspring was the death of the parent; while tyranny, like the poetical desert bird, was consumed in flames ignited by itself, and its whole existence was spent in providing the means of self-destruction".*

Had Dr. Madden lived to the present day he would have had no doubt as to Robert Emmet having been the author of this quotation.

Dr. Madden after entering at length into a consideration of the legal and moral right to engage in rebellion and as to how far the justification rested on the result, continues the subject:

In Emmet's case it is evident that he was the victim of deception—that he was deluded, misled, and sacrificed by designing men, whose machinations, his youth, his inexperience, his confiding nature, were unfit to cope with. Meshed as he was in the toils of villainy, what possibility of success was there for his plans had they been carried into execution in the capital?

Had the representations made to him of extensive co-operation been realised, were these plans of his adequate to the accomplishment of his object? Could that object have been attained, without the shedding of much blood? Had his plans been carried into successful operation in the capital, the probability is that Kildare, Wicklow, Wexford, Carlow and Kilkenny would have immediately risen and that in one week from the outbreak six counties at least would have been in rebellion. His plans necessarily depended for success on the realisation of the assurances he received of co-operation in the provinces. They were perhaps adequate to the proposed object, provided treachery was not stalking behind each attempt to put them in operation, and treading in his footsteps at every movement in advance. The men of "'98" were six years organizing the country; the more they organized, the more they were betrayed; where they were organized least, in the County of Wexford, there their cause was best served.† Robert Emmet evidently traced the failure in 1798

*"Robert Emmet and his Contemporaries", Dublin and London Magazine, 1825.

†The case is not fairly stated here by Dr. Madden. As the people of this country were unwilling to take any part with the United Irishmen, and were favorably influenced by their priests, who were then almost to a man loyal to the English Government, having been deluded by a false promise (the term *lying* being more appropriate) made by Pitt, promising for their neutrality that Catholic Emancipation would be granted in the near future. As these people took no part in the rebellion, the North Cork yeomanry, under the command of the braggart Lord Kingsborough, were billeted on every house with free license to force the people to an outbreak, in order that the "Union" might be brought about. Every commandment of the Decalogue was openly violated; after every public and private house, and all the Catholic Churches and rectories had been burned; after men, women and children had been shot down, often as if for diversion and with no restraint; after the people had been robbed of everything which could be carried off; and after an officer of high rank, had openly boasted that with the

to this system of widespread and long-pursued organization. He let the people alone, he counted on them whenever they were wanted and all his organization was of his plans in the capital, and all his preparations consisted in providing weapons, ammunition and warlike contrivances for his adherents. Four months were spent in the preparations of the men of 1803; six years were spent in those of the men of 1798. The latter counted half-a-million of enrolled members, the former counted on the rising of the people whenever they should be called on.

Dr. Madden places himself on record as follows:

All I have said or have to say on this subject may be summed up in a few words:

The means at the disposal of Robert Emmet were not adequate to the object he expected to accomplish.

The time appointed for its accomplishment was inopportune.

A people recently crushed by its opponents was not in a condition to renew a struggle that had been utterly defeated and abandoned in despair.

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aid of the bayonet, he believed not a female, old or young, had escaped their attention, the husbands, fathers and brothers, under the command of their clergymen arose *en masse*. So desperate was the onset of the people that the military force was literally exterminated, for it was claimed not an individual escaped death who deserved the vengeance of an outraged people.

It was tyranny of the grossest kind that in 1798 stirred up the people to revolt. The laws then enforced in Ireland were unjust in themselves, and unjustly administered.

Rev. Patrick F. Kavanagh.

Nothing has yet been demonstrated to dim the glory or sully the name of the men and women of the working class, who carried the dangerous secret of Emmet's conspiracy and guarded it so well and faithfully to the end.

James Connolly.

Chapter VII

Miles Byrne and his "Memoirs"—His escape after '98—Returns to join Robert Emmet in 1803—Escapes to France after failure in carrying news—Byrne's narrative—His description of Norris the tanner—Byrne's first meeting with Robert—Napoleon's indecision ascribed to his uncertainty about effect of Union on Irish people—Emmet justifies insurrection on ground of Ireland's deprivation of right of self-government—Believes self-interest would compel France to help Ireland—Byrne believes Wicklow survivors of '98 would be ready—Subsequent meetings—Miss Biddy Palmer intermediary—Byrne consulted about pikes—Arrangements for distribution—Also for pistols and blunderbusses of special model—A Scotch patriot, Macintosh, settled in Dublin, lends assistance—Jointed pikes for facility of concealment—Darby Byrne, '98 man, then English soldier, joins Emmet and makes cartridges—Another named Johnstone, in East India Company's service, works at rocket-making—Gunsmith makes rocket-cases—Details of rocket-making—Other missiles fabricated—Byrne speaks highly of James Hope, weaver, as organizer—Also of Michael Doyle, forced to enlist after Vinegar Hill and who served in Egypt under Abercrombie.—On discharge introduced to Emmet.—Made organizer and renders good service.—Thomas Cloney's meeting with Emmet.

ZEALOUSLY patriotic, General Miles Byrne entered Ireland's service while yet a boy, and so long as he could render any aid, he did so with a tenacity of purpose seldom exhibited at any age.

His "Memoirs", only recently translated from the Paris edition of 1861, remained unknown during many years of his life, in consequence of his want of appreciation of the value of his own services to the Irish cause.

Byrne identified himself with the first move made in connection with the Rebellion of 1798, and after serving to the last, escaped with difficulty to France. He joined Robert Emmet at the beginning of his undertaking, and after the failure he was selected by Emmet to make his escape to France, and convey a confidential communication in person to his brother, Thomas Addis Emmet, as to his plans and all other details, such as could not be entrusted to writing. Of all the men associated with Emmet, Byrne, as a personal friend, and one who had been so closely identified with every move, was the best fitted for the mission. In his diary T. A. Emmet mentions receiving this communication from a messenger who had crossed from Ireland in an open boat.

1840

From a drawing by Mrs Byrne
Etched by Mr Bil Hedouin.

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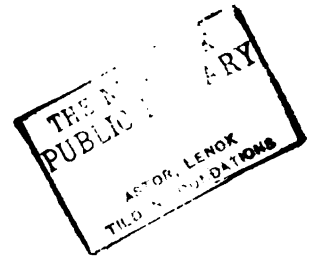
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This is not entirely accurate, as Byrne escaped from Dublin as a steward in an American vessel, which being overhauled in the channel by a part of the French fleet, and the object of his crossing being made known, Byrne was sent ashore and up the river to Bordeaux, for his case to be passed upon by the authorities.

Mr. Byrne possessed the entire confidence of both Robert Emmet and his brother. As has been said, no individual connected with the movements of 1798 and 1803 was more familiar with all details than Byrne, and according to the family tradition, in the discharge of his mission from Robert Emmet he made a report in writing. This he afterwards, it is supposed, incorporated in his "Memoir". The public could not be adequately served, or justice rendered to Robert Emmet, without incorporating fully, notwithstanding its length, the whole of Byrne's statement into this work. It contains information which can be obtained nowhere else, and which is so interwoven with the narrative, that the rendering of a paraphrase would be an injustice. His written report for Mr. Emmet was probably the incentive to writing the Memoir, and for accuracy in detail it is better that it should be given as written by himself.

Byrne's Narrative of the Robert Emmet Movement in 1803

It was about this time that I became acquainted with a Mr. Norris, a young man of very pleasing manners, who had been set up in a tannery concern at Dolphin's Barn, by Mr. John Patten, the brother-in-law of Thomas Addis Emmet. Of course, Mr. Norris and I had many conversations about that truly patriotic Irish family; I telling him the kind and disinterested part Mr. T. A. Emmet took to obtain justice for the Ballyellis yeomanry, disbanded and disarmed by their chief, Sir John Jervis White, previous to the insurrection on the pretext and suspicion of their being United Irishmen. On this Mr. Norris asked me if I should not like to know the youngest brother, Robert Emmet, who had just returned from France, having parted with his brother Thomas at Paris. I need not say how delighted I was at the prospect of being introduced to a young patriot, of whom I had heard already so much that I was quite prepossessed in his favour and longed much to see him. Next day we met at Mr. Norris's, who after introducing us to each other, left us and went away on his own business. Mr. Emmet soon told me his plans. He said he wished to be acquainted with all those who had escaped in the war of '98, and who continued still to enjoy the confidence of the people: that he had been enquiring since his return, and even at Paris. He was pleased to add that he had heard my name mentioned amongst them, etc. He entered into many details of what Ireland had to expect from France in the way of assistance, now that that country was so energetically governed by the first Consul Buonaparte; but Buonaparte feared that the Irish people might be changed, and careless about their independence, in consequence of the union with England. It became obvious, therefore, that this impression should be removed as soon as possible. Mr. R. Emmet told me the station his brother held in Paris, and that the different members of the Government there frequently consulted him. All of them were of opinion that a demonstration should be made by the Irish patriots to prove that they were as ready as ever to shake off the English yoke. To which Mr. Thomas Addis Emmet replied: it would be cruel to commit the poor Irish people again, and to drive them into another rebellion before they received assistance from France; but at the same time he could assure the French Government that a secret organization was then going on throughout Ireland, but more particularly in the city of Dublin, where large depots of arms, and of every kind of ammunition, were

preparing with the greatest secrecy, as none but the tried men of 1798 were entrusted with the management of those stores and depots.

After giving me this explanation, Mr. Robert Emmet added: "If the brave and unfortunate Lord Edward Fitzgerald and his associates felt themselves justified in seeking to redress Ireland's grievances by taking the field, what must not be our justification, now that not a vestige of self-government exists, in consequence of the accursed Union. Until this most barbarous act or transaction took place, from time to time, in spite of corruption, useful local laws were enacted for Ireland. Now seven-eighths of the population have no right to send a member of their body to represent them, even in a foreign Parliament, and the other eighth-part of the population are the tools and task-masters, acting for the cruel English Government and its Irish ascendancy—a monster still worse, if possible, than foreign tyranny".

Mr. Emmet mentioned again the promises obtained from the chief of the French Government, given to himself, his brother, and other leaders, that in the event of a French army landing in Ireland, it should be considered as an auxiliary one, and received on the same principle as General Rochambeau and his army were received by the American people, when fighting for their independence. He added: "That though no one could abhor more than he did the means by which the First Consul came to be at the head of the French nation, still he was convinced, that this great military chief would find it his interest to deal fairly by the Irish nation, as the best and surest way to obtain his ends with England: he therefore thought the country should be organized and prepared for those great events, which were now inevitable. That, as for himself, he was resolved to risk his life, and to take the little fortune he possessed, for the accomplishment of those preparations so necessary for the redemption of our unfortunate country from the hands of a cruel enemy".

Mr. Emmet's powerful, persuasive language, and sound reason, all coming from the heart, left it impossible for any Irishman, impressed with a desire for his country's independence, to make any objection to his plans (particularly as Ireland's great opportunity seemed now to have arrived for her freedom), save to bide the proper time, and wait for French aid. For my own part, I had no objections to make. I merely observed that I trusted the poor county of Wexford, and the other parts which suffered in 1798, would be spared until Dublin was ready to begin and take the lead in the struggle; that for the accomplishment of this enterprise there were more than three hundred brave county of Wexford fellows who escaped in '98 and who took refuge in Dublin and the environs, on whom we could count when the time for action arrived, and that with the aid of those tried men, and with the brave Kildare men and Dublin citizens, I trusted success was certain.

We settled in this first interview how we were to meet, without inconvenience to me, as I was a good deal occupied in the office and timber-yard. At the bottom of this yard there was a small garden, and instead of enquiring for me at the office, Mr. Emmet, when he called, walked into this garden, where I immediately joined him. If I happened to be out on business, he went to Mr. John Palmer's New Road, on the Pottle, where he left any message he might have for me with Miss Biddy Palmer, in whom he placed implicit confidence; and indeed no one was ever more worthy of such trust than this young lady, who had suffered severely in 1798 by her father's imprisonment and the ruin of his affairs, her brother's exile, and death on the Continent. Still she bore up under all her misfortunes like a heroine of the olden times, and was a comfort and a consolation to her family and friends. I did not introduce my brother to Mr. Emmet, but he knew who he was, and when he called in my absence Mr. Kennedy merely told him that I was out, and the time when I should be returned. Nothing more was to pass between them. When I came back and heard that Mr. Emmet had called, I went to Miss Palmer's where I either met him, or got the message he left for me with this young lady. As to the secrecy to be observed on the vast preparations now making, Mr. Emmet said he was satisfied we

had nothing to dread, as none but those who were already well known to have suffered in the cause of Ireland would be employed, and consequently every confidence was placed in them. For this reason, no test, no oath was taken by any one during those preparations and organization, which was to extend throughout the country.

At our next meeting Mr. Emmet told me of the house he had taken in the lane near Thomas Street, where he intended to establish a large depot of ammunition, firearms of every description, pikes, etc., from which the Kildare men would be armed to take the city. He also told me of his intention to take a house in Patrick Street, as a depot, where war stores of various kinds would be prepared, and from which stores the counties of Wexford and Wicklow men would be supplied when the time for action arrived. Mr. Emmet wished to know, on account of the experience I must have had in the insurrection of '98, my opinion about pike handles. I advised him to have them made of red deal, as it would be tedious and difficult to procure the quantity necessary of ash wood. I told him that by choosing boards three inches thick, without knots, and eight or nine feet long, a deep cut in the centre and five flat cuts in each board would produce twelve handles. He, being satisfied with this explanation, gave me an order to have seven or eight thousand got ready as soon as possible. A trustworthy man of the name of Ned Condon, to whom he introduced me, came regularly to the timber-yard, dressed as a carman, and took away those boards to the depot in the lane in Thomas Street.

Mr. Emmet then devised what were called the hollow beams, for the purpose of conveying with safety the pikes when mounted at the Thomas Street depot, to the smaller one through the town. A piece of timber eighteen inches square, ten feet long, had its outside slabs sawed off about an inch and a half thick; then one foot long of each end of this beam was cut off, and on those two blocks three of the slabs were nailed or spiked firmly, whilst the fourth slab, serving as the lid, was screwed on. When mud was carelessly spattered on the joints, no one could think that the beam was hollow, though eight feet long of it was a complete case in which the mounted pikes were packed.

After we had settled all things respecting the pike handles, Mr. Emmet told me he should want a number of pocket pistols, the barrels of which must only be four inches long, and the calibre to admit a soldier's musket cartridge. He also said he would want a vast number of short blunderbusses; he asked me if I knew a gunsmith to whom we could apply with safety to furnish those articles; I answered that I happened to know one in whom I could place the greatest confidence, and whose curiosity would never lead him to inquire whether the fire-arms were destined for smugglers or privateers. We then agreed that I should get Mr. M.——, the gunsmith, to make a pair of pistols and a blunderbuss of the kind we described, and when finished he was to leave them with me. As I kept the key of the oat-bin in the stable, I locked these arms there till Mr. Emmet called. When he examined them and heard the low price, he was delighted to know that such articles could be made so cheap with locks and barrels perfect, and though the workmanship might have been better, and the polish higher, still they were all that could be required for the use to which they were destined.

Mr. Emmet being quite satisfied, desired me to order one hundred pair of the pocket pistols, and three hundred of the blunderbusses; the barrels of the latter to be of the same iron or metal as the pistols, which would cost less than brass ones; and seeing the promptitude with which those first fire-arms were made and delivered, he bid me tell Mr. M.—— the gunsmith, to continue getting the blunderbusses made, and to say that any money he wanted should be advanced to him; but this worthy man would accept none till his merchandise was safely delivered. These details may not interest the reader, but they will show, that when one individual, out of the many engaged in this enterprise, could contribute as I did, that the plan was extensive and carefully carried on, so as to offer every chance of success.

As Mr. Emmet on coming to town from Harold's Cross, passed by our house, we met almost every day, and every day he had something new to tell me about the preparations, which, he said, were progressing rapidly, thanks, he added, to the exertions of those true patriots who did not fear to identify themselves with him, if they could redeem their country and throw off the foreign yoke.

One morning he called earlier than usual, to tell me that there was then a house to let in Patrick Street, which was sufficiently extensive for the depot and military stores which we wanted; that he was going into town to try to get a person to go at once and secure it, but lest he should fail, he bid me be on the look out for some one; that a married man would be preferable. In a few minutes after he left me, Mr. Macintosh, a worthy Scotch patriot, who had been settled in Dublin for some years, and who was married to an Irishwoman, a Miss Keenan, called to buy timber. I told him that Mr. Emmet wanted some one of our friends to take a lease of a house in Patrick Street. He immediately volunteered to go about it.

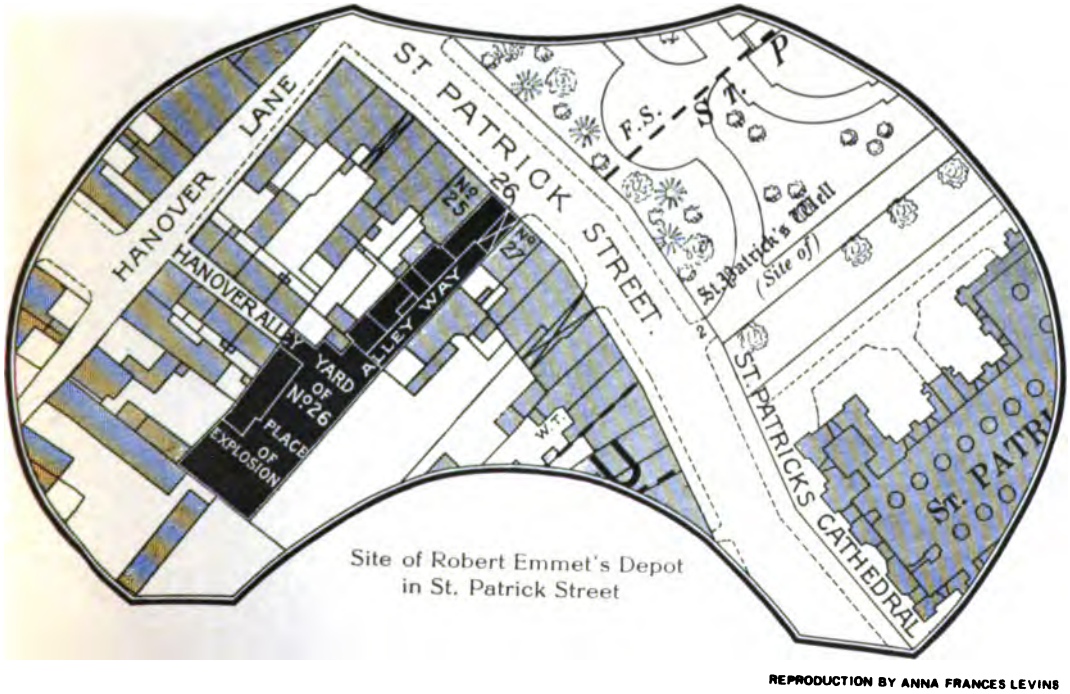
A short explanation is necessary to show why Scotchmen were concerned in our preparations. Previous to his leaving France, Mr. Robert Emmet became acquainted with a young Scotchman, of the name of Campbell, who resided in a town of Normandy on the sea coast; this young man had it in his power not only to render a service to Mr. Emmet in getting him a passage, but he gave him introductions and a clew to the Scotch patriots of the Muir standing, and consequently to all of them residing in Ireland. Macintosh being amongst the latter, rejoiced to have it in his power to contribute to the freedom of Ireland. But alas! his fate differed widely from that of young Campbell; the latter, by the interest of Thomas Addis Emmet with the first Consul and the French Government, got the rank of officer in the Irish legion on its formation in 1803. Though these grades were to be exclusively for Irishmen, or their sons born in France, recompensing Campbell in this manner showed the respect paid to the memory of poor Robert Emmet, and the high consideration his brother enjoyed in France.

Mr. Emmet gave the money necessary to Macintosh, who went immediately and took the house in Patrick Street, paid six months in advance, got the lease in his own name, and then set to work to make the changes in the house according to Mr. Emmet's instructions. About this time Michael Quigley, who had gone to France after the peace of Amiens, returned to Dublin: he being a skilful bricklayer, and Macintosh an ingenious carpenter, they contrived and made secret closets from the ground floor to the garret which could never be suspected or discovered except by those who were in the secret. These secret closets were large enough to hold pikes, fire-arms and ammunition for ten thousand men.

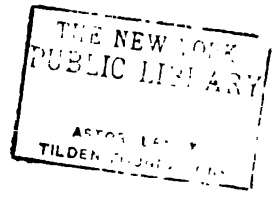
This depôt was to the northeast of St. Patrick's Cathedral, on the opposite side of the street, as is shown by the map made from the city ordnance map of 1803. It is there shown that the plot of ground hired at that time, with a yard, covered the greater portion of the present lots Nos. 25, 26 and 27 Patrick Street. All now seen on the street of these three houses was built over about the middle of the last century, and the only portion of the old structure is the large gate-way opening into the narrow alley extending under No. 26, to the large yard in the rear. The map also shows the shanty of boards in the yard put up by Macintosh, the carpenter, who rented the premises in his own name. In this out-house all the chemical work was done, and in it the explosion took place, as has been stated elsewhere. At the side of this building, in the yard, opened the gateway into Hanover Alley.

We will now continue Mr. Byrne's narrative:

REPRODUCTION BY ANNA FRANCES LEVINS



REPRODUCTION BY ANNA FRANCES LEVINS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Mr. Emmet prayed me to get six hundred jointed pike handles prepared by a turner, one-half to be three feet long, the other half two feet and a-half long; on the end of this last was to be placed a small carbine bayonet, or a small pike head, not exceeding six inches in length. This handle extended and stretched out was six feet long; when doubled up, it was only three feet long, which made it easy to be carried and concealed under a greatcoat. These handles were on the principle of a parasol handle that doubled up, joined together by a small hinge. A tube six inches long covered the joint, pressed forward three inches and then was stopped by a pin. A small spring started up behind to keep it on the joint equal on both sides. Thus it became quite solid, and easier managed than a soldier's musket and bayonet. With this weapon and a blunderbuss slung with a belt from a man's shoulder, he had great advantage in close quarters with the enemy, as it was much easier to charge the blunderbuss than the musket.

Mr. Emmet had several square beams, twelve feet long, sent to the depot at Thomas Street, which he intended to have got bored with a small pump auger, not in the centre but nearer one side, and the hole was to be perforated to within one foot of the end, and then filled with powder till it came to a foot from the mouth. The hole was then stopped with a plug a foot long, of the same diameter, well spiked to prevent it from coming out. A touch-hole was to be perforated in the middle of the beam on the side which the bore approached the nearest, and a pivot set on each end on which common car wheels were placed and turned. Two cases five feet long each, filled with small stones and combustibles were to be placed at the top of the beam. The explosion of this machine placed as an obstacle before the enemy must have a terrible effect.

Scientific experiments of various kinds were to be tried at the depot at Patrick Street. In consequence of the continual passage there, it was thought advisable not to employ too many at this depot, lest their going in and out from so populous a street might cause suspicions. The two Keenans, Macintosh's brothers-in-law, were to be among those who were to be employed and entrusted with the secret. A man of the name of Darby Byrne, who had been condemned to be shot after the insurrection of the county of Wexford, saved himself by enlisting into the English service. He was discharged after the peace of Amiens, and being afraid to return to his own home amongst the Orangemen of his neighbourhood, he applied to me to see if I could get him anything to do. He had no trade; he said he had sometimes been employed making ball cartridges. He was sober and well behaved, and as a proof that the contact with the mercenary soldiers did not affect his morals he had money which he had saved in the service. Mr. Emmet was quite pleased to have such a worthy person placed as an inmate at the depot.

There was a man who went by the name of Johnstone who had spent several years in the East India service, where he had frequently been employed in preparing fire-works. Perhaps this man with Robert Emmet were the real inventors of those rockets, latterly universally known under the appellation of Congreve rockets—be that as it may, I think it only right to relate here all I know of the matter. At Mr. Emmet's request I called on Mr. M.—— the gunsmith, and showed him a strong piece of paper shaped in a certain way, which was to serve as a model to have tubes twenty inches long, two and a-half inches diameter, cut out of strong sheet iron; as soldering would be liable to melt with the fire, they were to be clasped and well hammered on the joints, which would render them quite solid. The sloped shape at one end formed a point like an arrow. The gunsmith soon brought me a tube made after the model with which both Mr. Emmet and Johnstone were well pleased. Consequently I had to tell him to have several hundreds of the same description made as soon as possible.

Johnstone set to work mixing the ingredients to fill those tubes, composed of powder, nitre, sulphur, etc., and when this stuff was prepared, it had the appearance

of wet mortar. But everything was done according to Mr. Emmet's instructions; he consulted a scientific work respecting the way such materials should be prepared, and even the way the tubes were to be filled, the size of each portion to be put in at a time, the weight of the hammer, the plug to drive it down, the number of strokes to be given before another portion was put in.

An iron needle was placed in the centre of the tube around which the mortar was tempered, and when the needle was drawn out, the hole was then filled with powder. Thus prepared, they were to be fastened with strong wire to a slight pole about eight feet long at one end; and from the other end a cord prepared as a fuse would convey the fire to the mouth of the tube. A small trestle four feet high was provided on which the pole was to rest to be poised and sent off in the direction of the enemy. Hand grenades and other such missiles were getting ready as rapidly as could be expected, as well as the pikes, at the Thomas Street depot. Besides the two depots, four houses were procured in different parts of the town, the most convenient to have pikes and arms deposited safely in them. It may be seen by these arrangements, that ample means could be counted on for arming the citizens who intended taking a part in the struggle. It is necessary also to mention the manner they were organized for this event. I shall endeavour to explain here as briefly as possible. In the first place, chiefs who could mix with the people without causing suspicion were generally chosen in preference to men holding a higher station, though the latter were equally devoted and ready to risk their lives and fortunes. A man of the name of James Hope, who had been advantageously known to Sam Neilson, and many other Northern patriots of 1798, by trade a linen weaver, took a ground floor on the Coombe; his loom and the web which was mounted on it could be seen from the street. This man was without exception the best person that could be entrusted with the organization of his own class in the Liberty of Dublin, from which class the fighting men were expected to come. Hope was sober, prudent and unassuming; he spoke and reasoned justly. He soon made acquaintance with the persons of his own trade who had acquired reputation as good, honest patriots, and to them he communicated the general plan. He promised them nothing which he could not prove to them would be realized when the time for action arrived. Those brave fellows set to work to assist him and, in less than two months after, James Hope reported that five thousand were organized and ready. Another man whose brilliant conduct during the insurrection I have already mentioned in the beginning of these memoirs, was Matthew Doyle, who lived near Arklow. After the battle of Vinegar Hill he had the misfortune to be taken prisoner by the English. He had no alternative between enlisting as a mercenary soldier or being shot. He was in the prime of life and was very intelligent. His regiment made part of Sir Ralph Abercrombie's army in Egypt. Though quitting his wife, and all that was dear to him, Doyle did not despond, nor relinquish the hope of being one day able to serve again his own country. He therefore began to study military tactics in the most assiduous manner, and he soon succeeded in acquiring great knowledge of the subject. This, with his gentlemanlike conduct could not fail to attract the notice of the officers of his regiment. They had him named sergeant; it was all they could obtain for an Irish rebel chief, though he had displayed both skill and bravery fighting against the French in Egypt.

The regiment Doyle belonged to being disbanded at the peace of Amiens, he was discharged; but as he could not venture to return to his home, amongst the vindictive Orangemen of Arklow, he stopped in Dublin, in hopes of finding some honourable occupation. I mentioned Doyle's situation to Mr. Emmet and all the particulars about the active way he had been employed by some of the principal heads of the United Irishmen in organizing that system in the years 1797 and 1798. "Oh! he is just the man we want", he replied; "let me be introduced to him immediately". Doyle soon became what he had been formerly, a safe agent and an indefatigable

organizer, preparing his countrymen residing in Dublin and its vicinity, as well as the citizens, to hold themselves in readiness to take arms when called on. His military experience added weight to the influence he had amongst the men of '98, who recollected him as an intrepid leader. Mr. Emmet considered Doyle a great acquisition, and he received him most kindly and frankly, taking pains to initiate him into the preparations then going on, and telling him all his hopes and plans; all in such powerful and eloquent langauge, that poor Doyle felt highly honoured and flattered; but he could not conceive how so young a man could possess such uncommon intellect.

He was not the only one who admired Robert Emmet's extraordinary persuasive talent. I shall relate another instance of it. A Mr. Butler, a county of Wexford gentleman residing in Dublin, invited me one Sunday to a dinner party he was giving at George Nowlan's Hotel, at Maynooth, in honour of the brave Thomas Cloney, who had just returned from England, where he had been exiled after his trial and imprisonment in 1798. Mr. Cloney and I took a walk after dinner. Of course our first conversation turned on the failure of the insurrection and its disastrous consequences in the county of Wexford, his own long sufferings, etc. After which he asked me if I had heard that young Emmet, the brother of Thomas Addis Emmet, was then organizing the country, to be ready to rise when a French army should land. I replied that I had; he then asked me if I knew any one who was acquainted with young Emmet. I told him I did. He then expressed a desire to be introduced to Mr. Emmet, in order to dissuade him from his rash scheme. I promised to let him know next day, when he could have the interview he desired. Being joined by the rest of the company, we all returned to Dublin by the canal boat.

Mr. Cloney, not wishing to be committed to people he did not know, called on me early in the morning to ascertain the name of the person through whose means an interview with Robert Emmet was to be procured to him. I told him, that on that head he need have no apprehension, for I was that person; that I had seen Mr. Emmet the night before, after I had come to town; and that he seemed delighted at the prospect of becoming acquainted with so true a patriot as Mr. Cloney. He fixed with me to have a rendezvous at Harold's Cross Green, about dusk. Mr. Cloney returned in the evening, and we walked out to the Green at Harold's Cross. I soon perceived at some distance Robert Emmet, walking along and musing, and tapping the ground with his little cane in his accustomed way. After I introduced them, I retired to a distance and walked up and down, as they did, for three-quarters of an hour.

I can never forget the impression this meeting made on me at the time—to see two heroic patriots, equally devoted to poor Ireland, discussing the best means of obtaining her freedom. The contrast in the appearance of the two was very great. Emmet, slight and under the middle size; Cloney, almost gigantic, being six feet, three or four inches high and well proportioned. When their long conversation was ended, they came and joined me. On taking leave of us, Mr. Emmet said in a familiar manner to me, "Miles, I shall call on you in the morning". He then left us and went to his lodgings, and we returned to town. On the way, Mr. Cloney asked me why I did not tell him the day before at Maynooth, that I was personally acquainted with Mr. Emmet, and on such intimate terms with him. I answered: "I could not tell you more than I did, until I had permission to do so". "It is very true", he replied, "you would have been wrong to have acted otherwise". He then exclaimed, "I have heard a great deal about that young man's talents, but certainly he far surpasses anything one can imagine. His powers of reasoning and persuasion are such that an objection can scarcely be made to any of his plans; which, indeed, if judiciously carried on, and put into execution by determined, honest and devoted patriots, must succeed, as soon as a French army is landed in any part of the

country. As soon as the English garrison is ordered off to meet the French, Dublin will be easily taken, if the citizens show bravery, and do their duty, as it may be expected they will, from the organization which Mr. Emmet tells me is in progress through the city. As to the counties, though it is pretty certain they will rise, when it is known that the metropolis is in the hands of the people, still he told me, a judicious organization is going on in nineteen counties of Ireland, and which I was very glad to learn". Arriving in town, Mr. Cloney and I separated, well pleased with the way we had spent the evening, and agreeing to meet often on the same important business.

From the time that Ireland can be said to have seriously engaged the attention of the British Cabinet, the doctrine of binding Irishmen, not by voluntary attachment, but by hopeless debility, has uniformly pervaded its councils, while the British Parliament . . . has been ready to execute, and even to anticipate the worst purposes of this vile policy of oppression.

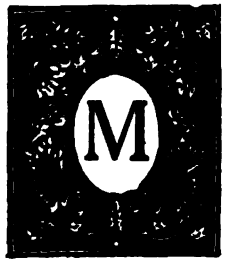
T. A. Emmet.

The situation of Ireland (1790) in respect to strength, opulence, prosperity and happiness was never a subject of exultation or praise to the humane or reflective mind.
T. A. Emmet.

Chapter VIII

Miles Byrne's narrative continued—Emmet's plan of county organization simple and easily executed—Means of identification of emissaries arranged—Thomas Russell and his nephew-in-law join Emmet—Others join and are housed and fed in Butterfield-lane—James Hope and Michael Berney sent through North of Ireland—Co-operation promised if Dublin captured—All preparations devoted to that object—Brangan of Irishtown gives valuable help in arranging for capture of Pigeon House Fort—Experiments with rocket successful—On July 16 Byrne returning from funeral finds explosion has occurred at depôt in Patrick Street—Surprised police did not act—This accident determines earlier action than contemplated—Removing arms and ammunition to house of Denis Redmond brings on conflict with watchers for smugglers—No interference by military guard nearby—On July 18 Byrne makes rounds to warn all concerned to be ready—McCabe, public-house keeper, caught carrying blunderbuss—Arrested, turns informer—Plans described—July 23, great silence prevails on quays both sides of Liffey; no movement of troops—Details of disastrous failure—Berney and Byrne take refuge in Mrs. Toole's lodging-house all day July 24—Saved from sheriff and yeomen by her cleverness—Byrne passes July 25th and early on 26th opens lumber-yard—Gives relief to Mrs. McCabe—Phil. Long most entitled to praise among leaders—William Dowdall blamed—Byrne describes his own escape—Incidents of journey—Meeting with Thomas Addis Emmet in Paris—Fulfils his mission—Documents describing events submitted to Napoleon.

Continuation of Byrne's Narrative.



R. EMMET'S plan for organization of the counties was simple, and easily executed. It consisted in procuring the names and places of abode of those brave fellows in each district who had acquired the reputation of being good patriots in 1798, and who still enjoyed the confidence of the people. As numbers of this class came frequently to Dublin on business, where I met those to whom I was personally known, and through them got introduced to many others, in a short time I was enabled to make out a list of them for three counties, viz: Carlow, Wicklow, and Wexford. Mr. Emmet saw these men individually, fixed with them the manner they were to hear from him without any risk. He defrayed the expenses of those who could not afford to stop in town; he told them of all things to advise the people not to pretend to be occupied about the war, and never on any account to allow them to plunder fire-arms from the enemy, which would only serve to have martial law proclaimed in the country.

Previous to the departure of these countrymen, Mr. Emmet gave to each of them three small ivory counters. On one side of one were three peculiar marks engraved, or rather branded, for it was with red hot iron they had been marked. Another of

the counters had two marks, and the third had but one. They were recommended never to show these counters, except to persons who could produce similar ones. A messenger would be sent from the provisional government to report on the situation of the counties, and would get the counter with one mark, and when he showed it to the men who he was told held the counterpart, they showed him theirs, and would then give him all the information in their power about men and things. The messenger or bearer of the counter with the two marks was to have more extensive instructions than the others; he, in conjunction with the patriots of the districts were to devise the safest and best means of procuring arms, and he was to be entrusted with the money necessary to defray all the expenses. The person who presented the ivory counter bearing the three brands, would come directly from the provisional government, with final instructions and orders to begin the fight, and for the general rising *en masse* of the districts organized for that purpose. Thus it may be seen that Mr. Emmet's plans were going on quietly and progressively in many of the counties, as well as in the city of Dublin. The brave and gallant Thomas Russell found the preparations in this forward state when he arrived from France, accompanied by his niece's husband Mr. Hamilton. Some persons thought it was very injudicious to bring over these gentlemen so soon. First, on account of the large sum of money that had to be sent to Paris to defray their expenses there, and the exorbitant price which had to be paid for a vessel to bring them, and this at a time when money was so much required to purchase fire-arms; in the next place, from the great difficulty and danger which would occur in preparing them a safe dwelling to reside in, both being proscribed men. But Russell's name and great reputation in the North of Ireland out-weighed all other considerations. Therefore Robert Emmet had to take a house in Butterfield Lane, to change completely his simple mode of living, and to go and reside in that house with Russell, Hamilton and Dowdall. The latter got his liberty at the peace of Amiens, when his fellow-prisoners at Fort George in Scotland had to expatriate themselves for ever. This new establishment became very expensive, though the inmates slept on mattresses laid on the floors, and though they lived very plainly. The trusty attendants of the family of Michael Dwyer, the brave Wicklow mountain chief, added not a little to the expense. Still they were honest and frugal and their service was considered a safeguard and an acquisition, on account of their connection with the famous Dwyer. Mr. John Palmer, who had all the provisions bought in Dublin, and sent to the country, often complained of the enormous waste and extravagance going on at "The Palace", as he called the house in Butterfield-lane. But the inconvenience and danger of having such numbers of persons frequently assembled there, was still worse. One day I am sure we were thirty at dinner. The fact was, we were all anxious to meet Mr. Russell, and to hear from him, who had left Paris so recently, what was to be expected from the French Government. His explanation on this point did not afford much satisfaction. Russell, however, expressed his own decided opinion that the Irish people should begin at once and free themselves. He added that he was sure the North would rise to a man; and he dwelt so long on this subject, and appeared so enthusiastic and serious in his belief about what he advanced respecting the rising of the North of Ireland, that several of those present, particularly Cloney, Phil Long, Gray, Allan, Hughes, etc., consulted Mr. Emmet about the necessity of ascertaining how far the citizens of the northern districts could be relied on in the present situation of the country; as it had often been said of them that their politics had greatly changed since 1798. After some discussion they decided that a county of Wexford man of intelligence should be got to accompany James Hope in a tour through the North of Ireland, and they also decided that the man should be chosen by me. I knew many amongst the brave fellows who fought beside me in the insurrection, in whom I could place every confidence, but a mission of this nature required an observing man of discretion and

sound judgment who would be able to report on all he saw and learned in his tour when he returned. Michael Berney, who resided in Dublin after his escape from the county of Wexford, consented to accompany Hope. I presented him to Mr. Emmet and Russell. They seemed quite pleased with him, and gave him the necessary instructions how he was to act at the night meetings, where he would have to attend during his mission to the North. Mr. Berney had a large connection and many relatives in Dublin; he was first cousin to the unfortunate Denis Redmond, of whom I shall have to speak hereafter. Hope and Berney spent fifteen days going through the different districts of the North; and their report on returning to Dublin, was certainly more favourable than was expected. At every meeting the greatest veneration and admiration was expressed for the honourable part that Thomas Russell had acted in the years '97 and '98, and those present seemed proud to have him once more at their head to lead them to victory; and when they were told by Berney and Hope that Dublin should be taken, which would be the signal for all Ireland to rise, "Oh! then", they cried, "we pledge ourselves not to be the last". Indeed this was the general feeling and opinion manifested in the other provinces, as well as in the North. Let the capital once be in possession of the citizens, then the counties would soon rise, and disarm the few English soldiers dispersed through the country. It was in consequence of the certainty of this general belief respecting the metropolis, that Robert Emmet employed all the resources in his power for the preparations and organization of the city of Dublin. Unfortunately, one of the most active agents, Matthew Doyle, fell sick at this time, the beginning of July; he was seized with rheumatic gout and lost the use of his limbs. I often called on him, and it made me melancholy to see so fine a fellow rendered useless. He, however, kept up his spirits, and he bid me tell Mr. Emmet that he hoped to be recovered ere we should be obliged to take the field.

A determined man, whose eagerness to forward and serve the sacred cause of freedom and the independence of his country, and whose daring, resolute designs for this purpose could not be surpassed, was Mr. Brangan of Irishtown: he possessed all these qualities. He had a wife and several children whom he tenderly loved, yet no consideration could prevent him from sharing the dangers of our struggle. He requested me to introduce to him some of the counties of Wexford and Wicklow men who resided in his neighbourhood. he wished particularly to know those who were employed at Mr. Haig's distillery. In a short time he had those intrepid refugees organized and ready for action. In consequence, he made a proposal to Mr. Emmet to surprise and take the Pigeon House, when the signal from the city should be given. Mr. Emmet cheerfully accepted Mr. Brangan's bold offer, and promised him to have small depots of arms placed at his disposition as soon as possible.

Mr. Brangan's conduct and services as an officer of the Irish legion could often be cited to prove that he was ever ready to undertake the most perilous missions; I could mention many instances myself where he was unhappy because it was the turn of the other officers and not his, to be ordered to attack a strong position or mount a breach. Though all this could only be known subsequently to Brangan's volunteering to take the Pigeon House, it suffices to show that at that period he had the love of distinction, as well as the love of country at heart. When Robert Emmet appointed him to the command, he immediately bought general's epaulets, fully determined to prove that he was worthy of wearing them. Such men are precious and wanted at the commencement of every dangerous enterprise.

Third of July.—Our preparations progressing rapidly in every part of the city; with the greatest caution, however, and circumspection; no one meddling with the concerns of others, solely occupied with his own part. The Kildare men working day and night at the depot in the lane off Thomas Street, mounting pikes, and preparing other war implements; houses getting ready to serve as small depots to receive them.

An incident which took place about this time, the beginning of July, will show

how much the honest James Hope was thought of both by the leaders and others. One day several county of Wexford men came to tell me, with sorrow, that they had met James Hope, who told them that he was going to the North with Mr. Russell. I saw Mr. Emmet next day at Butterfield Lane when I mentioned to him in Mr. Russell's presence how sorry the Wexford men were to learn that Hope would not remain to act with them in Dublin. I had scarcely uttered the last word when Mr. Russell said, "You may keep him; you certainly take off my right arm, but I shall march myself with an imposing force from the North on Dublin". Mr. Emmet smiled, and we began to speak of other matters: of those concerning the tubes and rockets getting ready at the depot at Patrick Street; he said he wished to try one of them, and he appointed me to come out next evening that we might go into the country a little distance, that this experiment might not attract any notice.

Johnstone, who was making the rockets, brought one of them ready prepared, so we all went into the fields; that is, Mr. Emmet, Russell, Dowdall, Hamilton, etc. The rocket was made fast to a pole with wire, and rested on a trestle; the match being put to it, it went off like a thunderbolt, carrying the pole along with it, and throwing flames and fire behind, as it advanced, and when it fell, it went on tearing up the ground till the last of the matter with which it was filled was completely consumed. Mr. Emmet and Johnstone were quite satisfied with the effect it produced, and they decided that all the rockets or tubes should be prepared and filled in the same manner; the cord which was placed along the pole to serve as a train or match did not communicate the fire quick enough, but that was easily remedied at the depot by preparing others with stronger liquid, etc.

Though Mr. Cloney and others, whose experience in the insurrection of 1798 had taught them to appreciate the best and cheapest way of arming the people, in the event of a general rising, could not entirely approve Robert Emmet's learned and scientific experiments, solely on account of the expense incurred at a moment when money was so much wanted to buy fire-arms and ammunition, yet they little thought how the preparations of these tubes and rockets would cause the accident and explosion in the depot at Patrick Street, which brought on the premature and untimely rising, and thus frustrated all Mr. Emmet's vast and well combined plans. Alas! fate decided against him.

From the time the depot was established in Patrick Street, I made it a point whenever I went out on business, to return that way, to see that all was right there. On Saturday, the 16th of July, I had been at a funeral in Bishop Street, and in coming back by the depot, I saw a number of people assembled before the house. The first person I addressed told me that an explosion of some kind of combustible ingredients had taken place inside, and three men were desperately wounded and carried off to the hospital. Poor Macintosh coming out of the house confirmed all I had heard. His brother-in-law young Keenan, Darby Byrne, and Johnstone were taken to the hospital before he arrived. The men who escaped and remained in the depot told us that what they thought caused the explosion was, Johnstone had been trying a fusee or match, in an inner room, and came out into the one where the composition matter for filling the rocket tubes was placed in a corner, and that a spark of fire must have been brought on his shoe, which communicated with the pile in the corner. That the explosion took place the instant he entered the room; the windows were broken, the poor men thrown through them into the street, etc.; this was all they were able to tell us.

Our situation can be more easily imagined than described. It was dreadful to think of three of our men being in the hospital, at the disposition of the Government, whose agents, by torture and other means, could extort from them all our plans and secrets. Macintosh had the window and the other things deranged by the explosion, put in the best order possible, to prevent suspicion. Both he and I wondered that the police had not taken possession of the depot, and we feared that they were only waiting for the purpose of seeing the persons who would frequent the house, in order to have them arrested.

Mr. Emmet on being apprised of this unfortunate explosion naturally enough conjectured that all his plans and preparations would soon become known to the Government. He resolved, in consequence, to hold a council of the principal leaders then in Dublin, at which council it was decided, if not forced to act sooner, that Saturday evening following, the 23rd July, should be finally fixed for the general attack on the city and Castle; and that every means should be taken to apprise the counties to follow the example of Dublin.

Mr. Russell and Hamilton set off for the North, and unluckily James Hope accompanied them. His presence at this critical moment in Dublin would have been invaluable; he was so devoted to the cause, so active, and so well known to all those employed in the different depots. He would have been useful beyond measure, carrying the despatches and giving the verbal orders of the chiefs; besides, there was no one appointed to replace him with the Liberty people, whom he had organized for action. However, the other leaders who remained in town had still seven days more before them to prepare for this immediate struggle to shake off for ever the yoke of England.

Mr. Emmet confiding in me to procure a house to replace the depot in Patrick Street, from which the arms and ammunition should be instantly removed, if the Government did not take possession of it, I consulted Michael Berney, who told me he was sure his cousin Denis Redmond would lend a house he was getting repaired, and where he intended to reside when he got married; it was on the Coal Quay, and not far from the Castle. The situation was the one Mr. Emmet desired so much on account of its proximity to the seat of the Government. Young Redmond at once consented, and gave the keys of his house to his cousin, and seemed highly flattered at the confidence put in him, and bid us tell Mr. Emmet that he might reckon on his aid in every way to forward the cause of freedom. It was the more meritorious on the part of this brave fine young fellow, who only heard for the first time of Mr. Emmet's plans, when asked to lend his house; his cousin did not like he should be initiated sooner, lest he should neglect his business, and particularly his marriage.

Mr. Emmet was quite conscious of the perilous situation of those who would be employed in removing the arms and ammunition from the depot to the Coal Quay; in short, he considered it a forlorn hope; he feared that ere then all was discovered to the agents of the Government. I promised him, that notwithstanding all the risk, I would undertake the task, and we then agreed on the safest way of carrying it into effect. I engaged a sufficient number of men in whom I could confide, to meet me at dusk, dressed in their great coats, under which they could easily carry concealed blunderbusses, jointed pikes, ammunition, etc.; we walked two and two, and at a certain distance from one another, so as to attract no notice, and after making many journeys in this way during the night without meeting any serious obstacle, at the point of day we had every article fit for use removed to Redmond's house on the Coal Quay, and those not finished put into the secret closets. One barrel or cask of ball cartridges and flints, however, still remained, but it was to be brought to Mr. Palmer's on the Pottle, who was to have it sent to the country for Dwyer's use in the Wicklow mountains. I desired two men to carry the cask between them, but finding it not too heavy, one of them, a stout young man of the name of Murphy, preferred taking it on his shoulder. Just as he knocked at Mr. Palmer's hall door, he was surrounded by several watchmen who seized the barrel and carried it off with them. I only stopped an instant behind to send one of the men to the depot at Thomas Street to tell them there how we had succeeded, and when I resumed my march, I met poor Murphy coming back to tell me what had happened. Fortunately all the men were not gone away; six or eight of them lodged close by and were still with me, so we instantly pursued the watchmen and overtook them near Coulan's brewery in New Row. Here a regular combat ensued; two of the watchmen were carrying the cask, and the others guarding them. I told our men by no means to use their fire-arms, so the poor watchmen were knocked down with paving stones and the cask retaken and carried off this time by two men. But we now had to show the other watchmen, who

attempted to follow us, that we were well armed and determined to defend our property, calling them robbers, and telling them on their peril to advance a step. The fact was, they took us for smugglers. Let that be as it may, it was fortunate no shot was fired, as the Coombe Guard House was hard by, and the sentry was walking before the door in the broad daylight. Whilst we were keeping back the watchmen, Michael Berney had the barrel safely deposited with a dairy man whom he knew in New Street, and in the course of the day Arthur Devlin, Dwyer's cousin, took it to the country. The messenger whom I sent to report our success in getting the stores removed to the Coal Quay, learned on his way about the cask of ammunition having been seized: so Mr. Emmet heard the good and the bad report at the same time. He instantly sallied out from the depot at Thomas Street (where he had spent the night), at the head of several men well armed, to come to my assistance, and he had advanced as far as Francis Street, when he was told that we had retaken the ammunition cask, and that all was right again. He then returned with his men to the depot; fortunately they attracted no notice, it was so early in the day, and they were enchanted with his decision and courage on this occasion.

Having spent the whole of Saturday night in the most agitated state that ever human being could experience, I stood in the greatest need of repose and sleep, but I found it impossible to have either. It being Sunday, and the last Sunday that would intervene before the rising, I had to go through the town and endeavour to see the men on whom I counted, at their respective lodgings, to tell them to hold themselves in readiness and well prepared; that the die was cast, the day and the hour fixed for the general attack on the city. Had all the leaders who promised to be at the posts assigned them been exact and done their duty, or even had they come to the depot to assist Mr. Emmet in the first bustle, their presence then would have caused more discipline, and in spite of mistakes and accidents, we should have taken the Castle; and once in possession of it, the English had not sufficient forces to retake it, and make head against the thousand armed citizens who would meet in the morning, and the thousands of armed men pouring in from all parts of the country.

Alas! fate decided it otherwise. The ever-to-be-lamented Robert Emmet desired that his epitaph should remain uninscribed till better times. His will in that respect should be adhered to by every true Irish patriot; and, were I not finishing my notes, which commence with the memorable epoch of 1798, in the County of Wexford, and finish in Ireland at Dublin, 1803, I might omit making any allusion to Mr. Emmet; but as I glory in my participation with him, I cannot here avoid giving a short, simple, accurate sketch of Mr. Emmet's extensive plan for the independence of Ireland, and mentioning at the same time the part I took to forward all his views —in short, from the day I became acquainted with him until I sailed from Dublin and arrived in Paris, to terminate my mission from him to his brother, Mr. Thomas Addis Emmet.

On Monday, the 18th of July, I went to all the public houses usually frequented by the working classes that day; there I met many of those I wanted to see, and fixed with them the rendezvous for Saturday evening, the 23rd of July; going through the city in every direction, I often met my acquaintances who were employed on the same business, such as John Allen, Felix Rourke, etc.; the latter dined sometimes at my brother's in New Street. I considered him a very discreet, safe man. He seemed to have great influence amongst the Kildare men. Of those Kildare men I only was in the habit of seeing on business Quigley, Ned Condon, and one or two others, but I was well satisfied with regard to their experience and devotion to the cause we were engaged in. Poor Matthew Doyle, of whom I have already spoken, was still sick, and his absence was much felt; however, all those whom he knew in Dublin and its environs, promised to come and join me at the Coal Quay, or in Ship Street, and they kept their word like undaunted men.

A man of the name of MacCabe kept a public house in Francis Street. He had gained a certain reputation for patriotism and bravery in the insurrection of 1798. This sufficed to make his house be much frequented by many who had escaped to Dublin at that period. One day in the beginning of July I met MacCabe; he told me, knowing as he did so many of the brave county of Wexford men, whenever the rising took place he would like to act with us. Of course, I replied how happy we should be to have such distinguished patriots as him in our ranks. When the day was fixed, I reminded MacCabe of our previous conversation, to which he answered that by a subsequent arrangement he was to act with John Allen of College Green, and other Dublin leaders of his acquaintance; he hoped, however, that we should often meet, once our sacred enterprise was crowned with success. MacCabe was rather well-looking; he had a frankness of manner, an earnestness about our cause, which prepossessed one in his favour. For my own part, I had every confidence in him, and if he had not had the misfortune to be arrested at his own door, armed with a blunderbuss, endeavouring to get into his house, at the dawn of day, the morning after the sad failure in Thomas Street, the Government never would have had his services as a vile informer at the Castle of Dublin.

The hollow beams I have already described were now invaluable; as in them the long mounted pikes were conveyed every day through the city to different houses, where they were safely deposited. Ammunition and firearms were brought by confidential persons, concealed under their great coats, late in the evening; in short, all that was possible to be done in so short a time was eagerly executed; so that the leaders on Saturday morning were satisfied that they could arm the men who promised to meet them in the evening with pikes and fire-arms.

Now the final plan to be executed consisted principally in taking the Castle, whilst the Pigeon House, Island Bridge, the Royal Barracks, and the old Custom House barracks were to be attacked; and if not surprised and taken, they were to be blockaded, and entrenchments thrown up before them. Obstacles of every kind were to be created through streets, to prevent the English cavalry from charging. The Castle once taken, undaunted men, materials, implements of every description would be easily found in all the streets in the city, not only to impede the cavalry, but to prevent infantry from passing through them.

As I was to be one of those persons designed to co-operate with Robert Emmet in taking the Castle of Dublin, I shall here relate precisely the part which was allotted to me in this daring enterprise. I was to have assembled early in the evening of Saturday, the 23rd of July, 1803, at the house of Denis Lambert Redmond, on the Coal Quay, the Wexford and Wicklow men, to whom I was to distribute pikes, arms and ammunition; and then a little before dusk I was to send one of the men well known to Mr. Emmet, to tell him that we were at our post, armed and ready to follow him; that men were placed in the house in Ship Street, ready to seize on the entrance to the Castle on that side, at the same moment the principal gate would be taken.

Mr. Emmet was to leave the depot at Thomas Street at dusk, with six hackney coaches, in each of which six men were to be placed, armed with jointed pikes and blunderbusses concealed under their coats. The moment the last of these coaches had passed Redmond's house, where we were to be assembled, we were to sally forth and follow them quickly into the Castle court yard, and there to seize and disarm all the sentries and to replace them instantly with our own men, etc.

Now, having had a perfect understanding with Robert Emmet on the different points entrusted to my care, I waited with patience and fortitude the moment agreed on between us for the attack on the Castle, and so early as seven o'clock, the brave men who promised me began to arrive at Redmond's house, Coal Quay, and before eight o'clock they numbered more than I counted on, because William Darcy and many Dublin citizens came to join us here; and I must say that this brave young man was of infinite service and comfort to me on this momentous occasion.

It was now the time to send the confidential person to the depot at Thomas Street; I chose Pat Ford, a County of Wexford man, who had distinguished himself very much in the insurrection of '98, and he being acquainted with Mr. Emmet and knowing many of the men employed at the depot, I could not have made a better choice. Ford had for instructions, the moment he saw Mr. Emmet and his men in the hackney coaches, to precede them as quickly as he could, to let us know that they were coming, and as they were to drive in their slow, ordinary way, so as not to attract notice, he would thus have easily had time to rejoin us at the Coal Quay; and the distance from thence to the Castle being so short, we hoped we should be in possession of the seat of government in a very few minutes afterwards. Pat Ford must have told Mr. Emmet how we were ready, anxiously waiting his arrival.

Great silence and quietness prevailed on the quays on both sides of the river, and not the least movement of troops was to be perceived at either the old Custom House barracks or the Castle. I had three of our men continually passing before those places and returning to tell us what they saw, and one of them passed through the Castle Yard from Ship Street at a quarter before nine o'clock.

Our situation became every moment more distressing and perilous. The time passed that Mr. Emmet was to have joined us. We naturally conjectured that something extraordinary had occurred which prevented him apprising us of the cause of the delay, and as to Pat Ford, we feared he was arrested, for otherwise he would have come back to us. Under these afflicting surmises I hastened to send another trustworthy person who knew also about the depot in the lane off Thomas Street; Mr. Terence Kavanagh of Anagh, County of Wexford, was my messenger this time. He soon returned with the sad intelligence of the disasters. He went first to the depot, and there, outside the door, saw pikes strewed about the street, and from thence he went to the market house at Thomas Street, where he saw other proofs of the failure, and of the unfortunate events which took place there. By the time Kavanagh got back to us we could hear the patrol on the Quay, at the other side, which an instant before was so silent. And now the gates of the Castle were closed and artillery was brought to defend them. We decided on quitting the house, which poor Redmond locked up. We then marched through Nicholas Street, Patrick Street, New Street, etc., meeting nothing to impede our march except the watchmen, who were easily put aside. We were in hopes every moment to meet Mr. Emmet and the Kildare men who left the depot with him; but getting no intelligence whatever about the place he had retired to, after marching and countermarching nearly the whole night about the streets of the Liberty, we agreed to separate, each to go to his own home, or to some friend's house, so as not to be seen in the streets when the day appeared. Fearing it might compromise my step-brother, Edward Kennedy, I did not go to his house in New Street. I recollected a worthy man, Mr. M——, who kept limekilns in the Liberty, and who furnished lime to my brother. He opened his door when I knocked, and told him how I did not wish to be seen in the street at so early an hour in the morning. Michael Berney, my steady companion, was with me, and we were shown up to a garret loft, from which we could get out on the roofs of the neighbouring houses, and thereby have a chance of escaping if the premises were searched. We spent all Sunday, the 24th of July, on this loft; not wishing further to endanger our hospitable host; when it became dark we quit our retreat and went along the Circular Road, to a lane off Sackville Street, to a Mrs. Toole's lodgings. She was a widow, and a County of Wexford woman; she had her nephew, John Sheridan, and his comrade, Sawyers, boarding and lodging with her. This good woman readily consented to let Berney and me pass the night in her house. A small closet, with a bed belonging to her nephew, was given up to us, whilst he and his comrade slept on a mattress in the outer room. Berney and I lay on the bed inside in our clothes. Between ten and eleven o'clock, Sheriff Cash, at the head of several armed yeomen, came to Mrs. Toole's to know from her if she

had not strangers lodging in her house; she, with great composure, answered: "You see, Mr. Sheriff, I have only my nephew and his comrade, both, you know, work for your honour", pointing at the same time to where they were lying. Sheriff Cash kept a timber yard, and fortunately he knew Mrs. Toole and seemed satisfied that she told him the truth; for going away he bid her a very good-night, calling her by her name in a friendly manner. I must say that Berney and I heard the last words of the Sheriff with delight; our situation being so perilous, having no means left us for escape had a search been made by the Orange yeomen; we were only armed with the short pocket pistols, which I have already described, of musket calibre, four-inch barrels. Indeed, it is only justice to say that Sheriff Cash was really "gallant" on this occasion; he left his guards at the door, and did not allow them to enter the lady's apartment whilst he was questioning her about the persons she lodged, etc.

Good Mrs. Toole went early in the morning to apprise my brother of our situation; she returned quickly to tell me that the timber yard was, as usual, open, and business seemingly going on as before, which delighted me, as I feared my brother might be arrested and thrown into prison on account of his place being so much frequented by the persons now involved in our unlucky attempt. Berney and I spent Monday, the 25th of July, in our closet, anxiously waiting my brother's arrival. When he came, at dusk, we both walked out with him; Michael Berney leaving us to go to his sister, Mrs. Murphy's, whom Mr. Kennedy had had the precaution to inform that she might expect her brother that evening.

As the names of all persons lodging in each house was ordered by the municipal authorities to be pasted up on the outside door, no alternative was left but to remain at our dwellings, or be liable to be outlawed. I chose the former, and on Tuesday morning, the 26th, I had the yard opened, and I endeavoured to assume a business-like air, as if nothing had happened. God only knew my afflicted state, at every moment expecting to be arrested, and then not hearing anything of what had become of dear Robert Emmet, augmented the sadness of my situation beyond description. Fortunately, in the midst of my perplexities, the truest and most generous of our associates, Mr. Phil Long, sent word to me to meet him at Stephen's Green, and after we had spoken over the failure and disaster at Thomas Street, he nobly told me that as long as he had the means (and he was then rich), that the brave men who should have the misfortune to be arrested and committed to prison should not be abandoned; that the best lawyers should be retained to defend them, etc., and he begged me to be the bearer of his intentions on the matter to the respective families when any of their members had the misfortune to be imprisoned; but his name was not to be mentioned in those transactions. As one could not be too cautious to avoid being committed unnecessarily in those dangerous times, Mr. Long arranged with me to meet him every morning at a certain hour at Stephen's Green; he did not like to call on me, lest he might be followed by a spy, and for the same reason he did not wish me call on him at his house in Crow Street.

Mr. Phil Long thought it would be advisable and politic to give some money to Mrs. MacCabe, the wife of the unfortunate man who had been arrested on Sunday morning, the 24th, at his own door, armed with a blunderbuss, and brought from thence to the Castle, where, no doubt, he had been put to the torture in order to extort from him all he knew respecting our organization. I called on Mrs. MacCabe; her house in Francis Street being shut up, she was lodging with a friend in the same street. When I gave her the ten pound note and told her that the gentleman who sent her the money bid me tell her that neither she nor her husband should ever want as long as he lived, the unfortunate woman burst into a flood of tears, and it was some time before she could answer me, apparently conscious that her husband did not merit such kindness. She told me she was not allowed to speak to him, but in the presence of two keepers of the Castle; but she thought that even in their presence

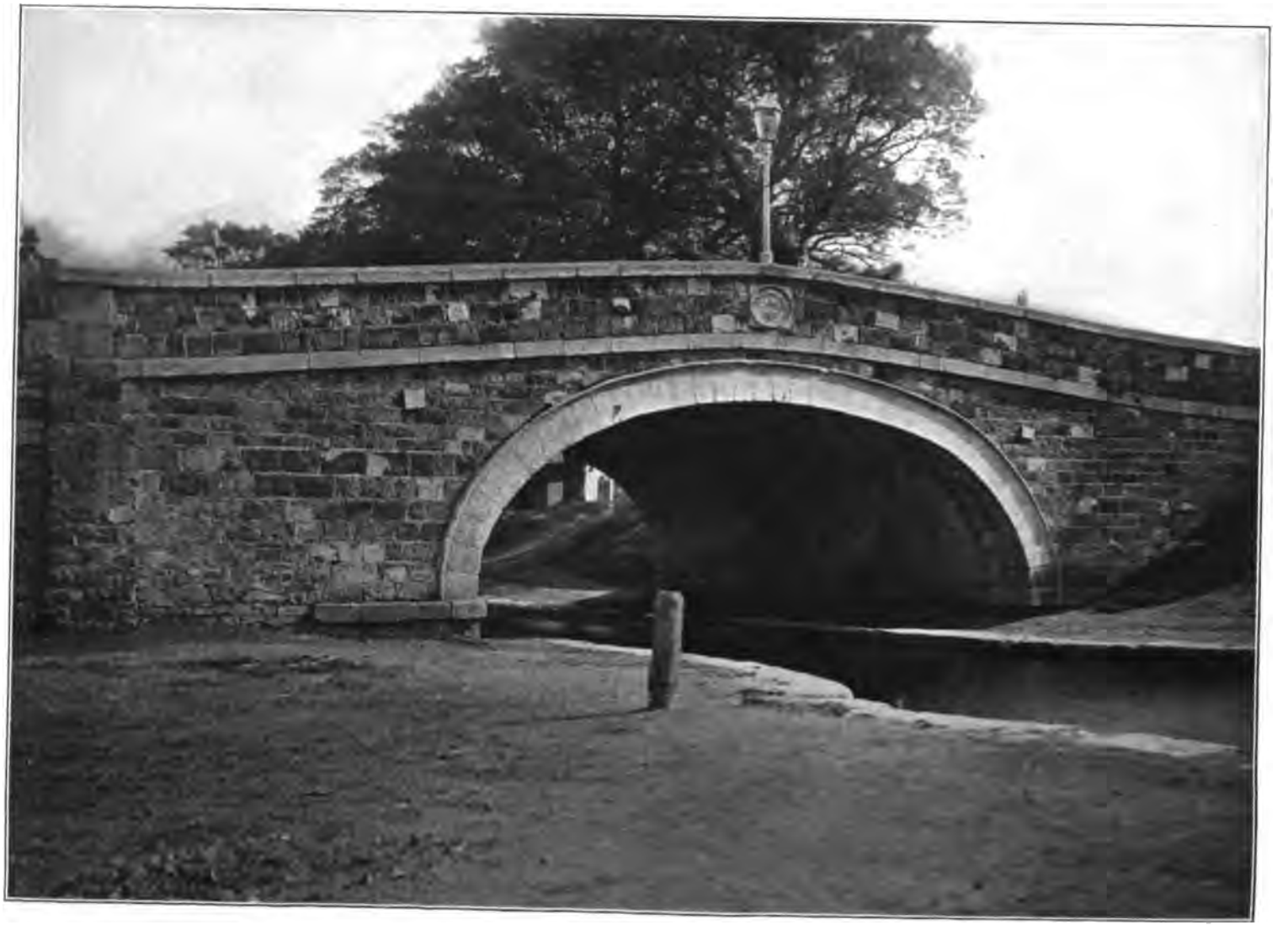
she could say to him that she had kind friends who promised not to neglect her. I told Mrs. MacCabe to be careful never to mention any names, and I promised to return again to see her.

Every time Mr. Long and I met, we had to communicate to each other something sad respecting persons arrested. Still we hoped that there would be no informers, as the men in the secret were sober and prudent, and being now put on their guard against the spies, which no doubt would be sent amongst them hereafter, there was less to be dreaded on that score; and it must be said, to the honour of all those concerned, that up to the breaking out at Thomas Street, the Government spies were completely baffled in the city, as well as in the country. As to the arrest of poor Macintosh, it could only be attributed to his having taken out the lease in his own name of the house in Patrick Street, which served as the depot, and where the unfortunate explosion took place on Saturday, the 16th of July, and which was the cause of the premature rising, and all the misfortunes which followed. Thomas Keenan, Macintosh's brother-in-law, was arrested at the same time and committed to prison. Poor Denis Redmond might have had a chance of escaping only for his own imprudence; indeed, his cousin, Michael Berney, always feared he would do something flighty. When we were walking outside Black Pits, on Saturday, the 23rd of July, he discharged his blunderbuss across a hedge, where a horse made some noise. He, however, got safe back to his house on the Coal Quay, and there, instead of endeavouring to hide the pikes in his own premises, he began to throw them over a wall into a court yard belonging to another house; by this act of folly all was discovered in the morning. Notwithstanding all this, he escaped to Newry, and was on the point of getting a passage on board a vessel, when he was arrested and brought back a prisoner to Dublin. In the various other houses where pikes and fire-arms had been deposited, they were so carefully concealed that they were never discovered; consequently no one suffered. Had poor Redmond concealed in like manner in his own house the pikes left there, he might be alive and well to this day, for he was not otherwise implicated than by lending his house on the occasion.

Mr. Phil Long, hearing of those arrested, bid me go at once and retain Counsellor Bennet, and tell him at the same time to be good enough to point out, or name other lawyers who should be retained immediately to assist him in defending the unfortunate prisoners. Mr. Bennet promised to get everything possible ready by the time the trials came on. It was now necessary to apprise the poor fellows immured in their dungeons, through their families, that everything was doing that could be done for their defence. I being charged with this commission, felt much indeed that I was not at liberty to mention the name of the worthy man who came forward at this awful moment to render such services. In my mind, Phil Long was, of all the leaders, the one who was most entitled to the praise and gratitude of the people. Other leaders might, perhaps, excel him in the field, but could never surpass him in generosity and true patriotism, and in his exertions for the independence of Ireland.

Several days elapsed after the disasters of Thomas Street, before Robert Emmet came back to his former lodgings at Mrs. Palmer's, outside the canal at Harold's Cross. Both Mr. John Patten and Mr. Phil Long endeavoured to persuade him of the urgent necessity of his going at once to France, to which he replied, that it should never be said of him that he had abandoned the brave people implicated through his means. He wished much, however, that some fit person were sent immediately to Paris, to communicate to the French Government, through his brother, the situation of things in Ireland.

The second day after dear Robert Emmet returned from the mountains, I had my last melancholy interview with him. He seemed much affected and cast down; he, however, began at once to explain to me the causes which prevented him from



CANAL BRIDGE AT HAROLD'S CROSS

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coming to join me at the Coal Quay on Saturday night, the 23rd of July, as had been agreed upon between us. "The trustworthy Ned Condon", he said, "was coming with six hackney coaches to the depot; walking beside the first coach, an officer rode up to him and asked him where he was going with so many coaches. Ned Condon replied, 'Sir, I am hard of hearing', getting at the same time nearer to him. The officer then repeated the question in a menacing tone; on which Condon discharged his pistol at him. The coachmen, witnessing this act, escaped with their coaches, and Condon seeing them drive off, returned to tell me what had happened to him. I then decided that the men who were to be conveyed in the coaches should go on foot to the Castle, and whilst preparing for this march, a false alarm was given that troops were surrounding the depot, and in consequence, our men there began to rush out, too hurriedly, no doubt, to fight in the open street, and by the time they got to Thomas Street, disorder and confusion got amongst them. You heard, of course, what occurred there, after which an attack on the Castle could not be thought of; consequently, the signal rockets were not made use of".

I could see plainly how he was overwhelmed with sorrow whilst speaking on this sad subject. He thought the person to be sent to Paris should be one of those who had a perfect knowledge of the organization, and the vast preparations which had been so successfully carried on until the fatal explosion took place at the Patrick Street depot. "As you are", he added, "fully in possession of all the circumstances, it will be agreeably felt, when it is known that you are the messenger to my brother". I could only promise that I should do my utmost to execute the commission entrusted to my care. On which I took my last farewell of this magnanimous young man, who during this interview never uttered a word of blame against any of those leaders who were assembled at Mr. John Hevey's and whose presence with him might have preserved discipline and prevented the disasters and false alarm which produced such bad effects on the men in Thomas Street. One of these leaders at least was blameable: William Dowdall should have come at once to Robert Emmet's assistance at this critical moment, he being his confidant and intimate all the time they were at Butterfield Lane. He could have no excuse to offer for his conduct on this occasion. I cannot give any opinion as to the others who were at Mr. Hevey's, not knowing their engagements with Mr. Emmet, but their absence was a cruel loss, for amongst them were the bravest of the brave, who would have made the men observe order in their march to the Castle, which would have been surprised and taken, the Government being then completely off its guard. Once in possession of it, the citizens *en masse* would have flocked to the standard of independence hoisted on this monument, the emblem of Ireland's degradation for centuries and the eminent statesmen alluded to in Robert Emmet's speech, would have been hastening to the Castle, there to take their seat in the provisional government. A few hours would have sufficed to dislodge the English garrison of Dublin, which mustered weaker than at any other time, and by threatening to set fire to those quarters where resistance was made, the troops defending them would have been soon forced to capitulate. Not for centuries had Ireland so favourable an opportunity of getting rid of the cruel English yoke; every one in the country disaffected or discontented except the contemptible place-hunters and the Orangemen; and France, the most powerful military nation in the world, then at war with England, anxiously waiting for an occasion to attack her in her weak and most vulnerable part, Ireland. Under all these considerations, was it to be wondered at, that the men of 1798, as well as the Irish patriots in general, thought it both wise and prudent to be prepared with arms and ammunition for those events hourly expected, the landing of a French army on the coast of Ireland? Notwithstanding all this, there are many who think it would be ridiculous for the Irish under any contingency to be looking for their independence. To such lukewarm patriots I would say, it would be more ridiculous and absurd to think, that the inhabitants of Ireland will ever cease declaring that they have a right to govern themselves, and that they will ever be ready to embrace any favourable occasion to get rid of their task masters; and more, that the memory of the ever-to-be-

lamented Robert Emmet will never cease to be revered, down to the latest posterity, and his plans will ever be considered and consulted by all those wishing for the independence of poor Ireland.

I was daily waiting in the most cruel anxiety to hear of some means of getting to France, thinking my presence at Paris with Thomas Addis Emmet might be of use in obtaining relief from the French Government, when one evening the good Phil Long sent his nephew, a young lad, Davie Fitzgerald, to tell me that an American vessel would be sailing from Dublin direct to Bordeaux in two or three days at furthest. He gave me at the same time forty pounds to pay the preparatory expenses; the remainder of one hundred pounds, the sum considered absolutely necessary for the journey.

After overcoming many difficulties, Mr. Byrne finally reached Bordeaux, and when a number of formalities had been settled with the police, he was allowed to leave for Paris. He thus continues his narrative:

Next morning, Sunday, I started for Paris. The coach in which I went, set out from the opposite side of the river. Hampden Evans' guests of the day before, crossed the river, and we breakfasted together and they saw us into the coach and bade us farewell. I might have travelled at the expense of the Government, but it was considered more respectable for me to pay my own place and expenses, than for Government to be answerable for them.

Mr. [Hugh] Wilson told me that he wrote to Mr. Thomas Addis Emmet the morning I landed in Bordeaux, and that he should now write to him again, to let him know the day and hour I should arrive in Paris. Mr. Evans, speaking French well, made the journey very pleasant; otherwise it might have been dull enough to be shut up for four nights and five days in a coach before we reached Paris. It would have been particularly so to me, who thought every minute an hour till my mission was terminated, thinking then that assistance would be obtained from the French Government by Mr. Emmet.

We arrived at the coach-office, Rue Montmartre, at three o'clock, p. m., where we met Doctor Macneven and Adjutant-General Dalton; this officer belonged to the staff of the minister-of-war, General Berthier, who sent him to receive me at the diligence office. His coach being ready, he made the conductor of the diligence get into it, with himself, Doctor Macneven and me. Hampden Evans remained to look after his luggage, and as I had none, General Dalton ordered his coachman to drive to the Grand Judge Regnier's Hotel, Place Vendôme, in whose study Mr. Thomas Addis Emmet was waiting our arrival. On being asked by the minister if he knew me, Mr. Emmet replied, he had never seen me before. The Grand Judge then handed to him a paper containing the impression of the seal-ring which I had been the bearer of from his brother Robert Emmet, and which the commodore commanding the squadron at the mouth of the river at Bordeaux thought proper to take from me, and have forwarded to his Government, after I had written my name on the back of the paper on which the impression was made.

As soon as Mr. Emmet had compared this impression with his own seal-ring, he crossed the room, took me in his arms and embraced me with affection. The Grand Judge witnessing this, seemed quite satisfied. He then told Mr. Emmet that the First Consul required from him, as soon as possible, a detailed report on the present state of Ireland, and that it would be well if this document were furnished next morning early. A *carte de sûreté* being then handed to me, we all retired from the Grand Judge's hotel. I, a freeman, going with Mr. Emmet to his lodgings, Rue du Cherche-Midi, where he presented me to his lady and children. We then went and hired a small cheap room for me, Petite Rue de Bac, quite near his house. Doctor Macneven was to dine with us, and immediately after dinner we three retired to Mr. Emmet's study, to commence the report required by the First Consul: Doctor Macneven writing with great facility, and I explaining and answering the best way I could, all their queries about men and things in Ireland. A rough draft was soon drawn up: Mr. Emmet having been lately chosen

by the Irish refugees in France to represent them with the First Consul, he was the more anxious to have this document carefully made out, and as it was to be copied in the morning we retired each to bed late at night.

And now this account of my mission being ended, I must say before concluding this chapter, that I shall ever feel proud of the part I took with the lamented Robert Emmet. I have often asked myself, how could I have acted otherwise, seeing all his views and plans for the independence of my country so much superior to anything ever imagined before on the subject? They were only frustrated by accident and the explosion of a depot, and as I have always said, whenever Irishmen think of obtaining freedom, Robert Emmet's plans will be their best guide. First, take the capital, and then the provinces will burst out and raise the same standard immediately.

But 'tis the soldier's sword alone
Can reap the harvest when 'tis grown.
Thomas Davis.

The Orangemen boasted a protection greater than even that of the law, the connivance and concealed support of those who were bound to see it fairly administered.

T. A. Emmet.

Chapter IX

Strange circumstances connected with name of "Noms" in Chief Secretary Wickham's report—Name believed to be fictitious—Suspicion attached to Norris and Johnstone—Neither appears as witness on his trial—No proof that Johnstone was injured in explosion—Never heard of again—Michael McDaniel, maker of rockets, said by Madden to have caused explosion—Emmet sends him on 23rd July with 60 guineas to pay for arms, etc., he never returns—Pat Finerty, a carpenter, arrested, turns approver—Not called at Emmet's trial—Emmet's statement that numbers of men from country refused to fight if armed only with pikes—This considered one cause of failure—Uncertainty as to Quigley's fidelity, although second in command—False alarm given by him July 23 contributes to confusion—Arrested Nov., 1803, and examined before Privy Council—Detained in prison till 1806, possibly for protection—Emmet, at last moment realizing betrayal, endeavors to postpone rising—After Emmet's departure for Wicklow Mountains, city men hold several streets for two hours—Led by James Bannan, deserter from army—Pikemen and soldiers meet—Defeat of former—Colonel Brown (British) killed returning to barracks—Women respected by Irish rebels—Incident of Rev. Mr. Wolfe's daughter—Untruthful Orange account of Kilwarden's death—Search for Emmet—Lady Anne Fitzgerald's letter to Viceroy repudiating sheltering Emmet—Viceroy not replying, Lady Anne issues hand-bills declaring loyalty—Sends copy to banker Latouche to give to Viceroy—Viceroy reports Emmet arrested August 24 at Harold's Cross—Relations between Lady Anne and Emmet family—Her nephew, Lord Wycombe, intimate friend of Robert Emmet—Emmet urged by Wicklow men to return to city—Refuses, seeing attempt futile and unwilling to shed blood uselessly—Whitty's account of his reply to Dwyer—Remains a few days with Dwyer—The Dwyers old retainers of Mason family—Anne Devlin's reproach on Emmet's return to house in Butterfield Lane—Believed they spoke in Irish—Might have escaped to France, but delays to see Miss Curran—Anne Devlin assists in arranging meeting—Infatuation causes further delay—At Mrs. Palmer's house, Harold's Cross, when captured.

HERE are at this point several circumstances to which the attention of the reader should be directed. Mr. Chief Secretary Wickham, in his narrative prepared for the Government after the failure of the Emmet movement, states that the name of the man associated with Emmet and John Patten was Noms, an unusual surname and, in the opinion of the writer, a fictitious one.

It is not within the range of possibility that the Irish Secretary made a mistake in the name, or, supposing a mistake, that it would not have been discovered in the manuscript, or in the printed account, as soon as it appeared. Yet, this man, as stated by Colonel

Michael Byrne, was known to Robert Emmet and all associated with him, as bearing the name of "Norris". Whatever may have been his name, he was undoubtedly a spy of the English Government from the beginning of his relation with Robert Emmet, and as soon as he had played his part he absolutely disappeared.

The writer being accustomed to handling autographs, detected at a glance that "Noms" in manuscript could be read "Norris" by omitting to dot the i. It was doubtless a trick of the police to be able to claim that Norris was a mistake, and that the tanner was known to them only as Norris.

The man bearing the name of Johnstone, who was closely associated with Robert Emmet in the making of the rockets, was a man without a history, and must also have been a Government spy; and this would suggest that the explosion was not an accidental one!

We have no knowledge as to the circumstances under which Robert Emmet and Johnstone first met, as Johnstone, according to his own statement, as we learn from Byrne, had recently returned to Ireland, after a long time spent in India, and was then entirely without any acquaintance in the country. His association with Robert Emmet could only have been formed by Johnstone pressing his acquaintance with insinuation at a time when the services of such a man were needed, and when, consequently, Emmet would have been off his guard. He also was unquestionably a Government spy, none of his associates ever having heard of him prior to this time. After the explosion it was rumored among the people about the building and entered in the police report that a man named Johnstone and several others, injured by the explosion, had been taken to the hospital. But there was nothing to prove that any one had been injured, which was probably the case, and the reason why Dr. Madden, some years after, could find no trace of Johnstone, or any one else, having been received in any Dublin hospital at that date as the result of injury in an explosion. Johnstone and the others, said to have been injured, were all spies, and with the aid of the police quietly disappeared, never to be seen or heard of afterwards by any one connected with Robert Emmet's movement.

Had Johnstone not been a spy, and that for a special purpose, he would have appeared as an important witness against Emmet on his trial. Both he and Norris were persons of education, and probably also of some respectability, and as they were not absolutely needed at the trial, they were allowed to go into hiding and were never known.

Is it probable that an explosion of sufficient force to blow the roof off the building could occur any where, even at a time of profound peace, and the police not take immediate possession? In this instance the disaster was apparently unknown to the police for hours after, and time given for the removal of arms to a place of safety and the obliteration of all other evidence of the work which had been carried on in the place. This circumstance proves that the Dublin police knew more in connection with the explosion than Robert Emmet did.

How many of the men about Robert Emmet were Government spies will

never be known. But the occurrence of the explosion a month before the necessary preparations had been completed would seem to have been due to no accident, inasmuch as some of the men who were responsible were afterwards employed by the Government.

We are informed by Dr. Madden that:

Michael M'Daniel, a dyer by trade, who had some chemical knowledge, made the rockets. It was by his misconduct the explosion took place in Patrick-street. He was arrested in Wicklow, in November, 1803, and sent up from Rathdrum to Dublin.

In the afternoon of the 23rd, Mr. Emmet sent a sum of sixty guineas to pay for some arms, blunderbusses, and pistols, which he had bought in Dame-street, and was in immediate want of. One of Emmet's confidential men declined going, on account of fatigue; and then Michael M'Daniel, the man who was in the Patrick-street depôt when the explosion took place, when making the fusees of the rockets (and drinking at the same time), offered to go for the arms. He took the sixty guineas, and never returned more to the depôt with the money or arms. Even this contributed to the failure. [This man was doubtless a spy.]

Pat Finerty, who turned approver, was a carpenter. After the business of 1803, he was on board the guardship at Plymouth. Subsequently he was employed at Woolwich, where I [finally] lost sight of him; but I suppose he sold the secret of making rockets to Congreve. The rockets were first tried near Irishtown by Emmet and some of his companions; they went in a horizontal direction a great distance. General Coote was the first man who employed them in India—Emmet told me this, and that he had improved on them; and another has improved on Emmet's, and Congreve has improved on both. The rockets were of the same nature as those called Congreve rockets, but not so perfect. Finerty and Condon were employed a good deal in the making of the rockets, under Mr. Emmet's orders. It was after Finerty's arrest that he turned informer. I think that he would not inform if he had not been arrested. Finerty was detained in the "stag-house" opposite to Kilmainham gaol, a place for housing informers. He was to give evidence on Emmet's trial, but was not called.

Robert Emmet distinctly stated that a large body of men, when they found they were to be armed only with pikes, refused to take any part and returned to the country. The want of these blunderbusses and pistols caused a serious delay and contributed greatly to the failure in making the attack on the Castle, and indirectly was the reason why the signal was not given for beginning the uprising.

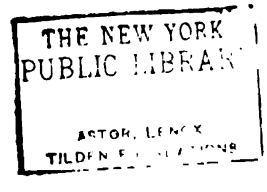
Even the man in whom Robert Emmet had so much confidence as to select him to be the second in command, Michael Quigley, was not above suspicion. Madden records:

James Hope and Bernard Duggan, in the preceding statements, refer to the part taken by Quigley in the affairs of Robert Emmet, and to some equivocal acts of his in relation to them, and finally to his arrest in the County Galway.

Hope and Duggan, of all others connected with the movement, were above suspicion, and their evident honesty of purpose makes it impossible to suppose that either of them would have cast suspicion on the course of any one unless good cause had existed. But for the false alarm given by Quigley the night of July 23rd, the uprising might possibly have been postponed or abandoned, as Emmet had already begun to fear he had been betrayed. Madden makes the charge:

REPRODUCTION BY ANNA FRANCES LEVINS

DUBLIN CASTLE COURTYARD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TILDEN

Michael Quigley had been constantly in the store in Thomas-street. On the 23rd his conduct was thought extraordinary; he rushed into the depot shortly before nine o'clock, and said he had been looking down Dirty-lane and saw the army coming; he ran in, exclaiming, "All is lost—the army is coming". Robert Emmet said, "If that be the case, we may as well die in the streets as cooped up here". It was then he rushed out, and the rout took place. Robert Emmet ran down Patrick-street and the Coombe, crying out, "Turn out, turn out"; but no one came out. He was attacked by some soldiers on the Coombe, but got off. They stopped at Butterfield-lane that night and next day, and at night, about ten o'clock, fled to the mountains, when they got information that the house was to be searched. Her (Anne's) father, who kept a dairy close by, got horses for three of them, and went with them.

Anne Devlin informed Doctor Madden that:

On the 23rd of July, at about eleven o'clock at night, Robert Emmet, Nicholas Stafford, Michael Quigley, Thomas Wylde, John Mahon, John Hevey, and the two Perrotts from Naas, came to the house at Butterfield-lane. She first saw them outside of the house, in the yard; she was at that moment sending off a man on horseback with ammunition in a sack, and bottles filled with powder. She called out, "Who is there?" Robert Emmet answered, "It's me, Anne". She said, "Oh. bad welcome to you, is the world lost by you, you cowards that you are, to lead people to destruction, and then to leave them". Robert Emmet said, "Don't blame me, the fault is not mine". They then came in; Quigley was present, but they did not upbraid him. Emmet and the others told her afterwards that Quigley was the cause of the failure.

As soon as he realized all was lost, Emmet was heard to say: "No leading Catholic is committed. We are all Protestants, and their cause will not be compromised".

November 1st, 1803, Quigley and Stafford, who had been arrested about the middle of October, were arraigned *pro forma*, at the court of Oyer and Terminer, Green-street. The trial was put off, and on the following day Quigley was brought before the privy council, "and it is believed", says "The London Chronicle", has given "the fullest and most efficient information. He is said to have stood high in the confidence of Emmet". "The London Chronicle" of the 7th of December states, that Quigley had again been examined before the privy council, and also a young man of the name of Daly, from the County Kilkenny.

Quigley remained a prisoner in Kilmainham gaol till 1806.

This was probably necessary for Quigley's protection.

We have had the statement from Colonel Michael Byrne describing the course of Robert Emmet after he had left the depôt, until he realized that he had been betrayed, and that nothing was to be accomplished. He, therefore, to provide for their safety and to prevent bloodshed, refused to give the signal which would have brought the country people to Dublin in force. Byrne states that Emmet said within his hearing: "I would have given it the respectability of insurrection, but I did not wish uselessly to shed blood; I gave no signal for the rest, and they all escaped".

After he and several of his followers had left Dublin for the Wicklow mountains, it is stated by MacDonagh in "The Viceroy's Post Bag", as taken from the official report, that:

The mob broke up into several parties after Emmet had fled, and for two hours held complete possession of James Street, Thomas Street, and Francis Street, almost the entire route between Dublin Castle, the seat of civil government, and the Royal Hospital, the

headquarters of the military. Their principal leader was a soldier named James Bannan —one of the two deserters who had been in hiding for days in the depot at Marshalsea Lane—and in his red coat he was a conspicuous figure in the turbulent scenes that followed. There was a barrack in James Street occupied by 150 men of the 21st Regiment, of the Royal North British Fusiliers. The senior officer on duty, suspicious of the movements of the mob in James Street, but without even the remotest idea that an insurrection had broken out, despatched Lieutenant Brady, with a company of the regiment, to fetch Colonel Brown from his lodgings on Usher Quay. A body of pikemen rushed suddenly upon the soldiers as they were marching through James Street. They soon fled, however, flinging away their weapons, before the musketry fire of the "red-coats". Meanwhile, Colonel Brown, on his way to the barracks, accompanied by a servant, fell into the hands of another party of the rebels, and was piked to death by their leader, Henry Howley, the carpenter.

A private carriage came along Thomas Street, driving in the direction of the Castle. In it were two gentlemen and a young lady. It was stopped by the mob. "What do you want?" remanded the elder of the gentlemen. "I am Kilwarden, Chief Justice of the King's Bench". The Judge—one of the most humane dispensers of the law in a rather brutal age—was immediately pulled out of the carriage and piked. He resided at Newlands, a few miles outside the city, and, hearing the rumors of an insurrection, decided that as a member of the Privy Council his post was at the Castle. The other gentleman, the Rev. Richard Wolfe (Kilwarden's nephew), was also cruelly murdered. The young lady was the judge's daughter. With the departure of Emmet, the rebellion had fallen into the hands of the offscourings of the lowest quarters of Dublin. But the Irish instinct of respect for women was alive even in the breasts of this rabble. In all the horrors of 1798 in Wexford the peasants laid not a hand immodestly upon any women of their opponents, while their own wives and daughters and sisters were being outraged by the military. "Run away with you, miss, and God save you!" cried the insurgents to Miss Wolfe—after they had foully murdered her aged father before her eyes—and the unhappy young lady, distraught and hysterical, hastened unmolested to the Castle.

Within a few months the writer has read in a London paper an article written by an Orangeman, giving an account of the Kilwarden murder. With the usual disregard of truth shown by these Orangemen, the writer of the article stated that Robert Emmet was present and urged on the men to commit the murder. That such was not the case has been proved beyond question by recent investigation. As usual, the Orangeman offered not a single proof in support of his assertion.

It is fully proved that Robert Emmet was not present at the murder of Lord Kilwarden, nor was he in that neighborhood. It was held by many that he was already on his way to the country, but this is improbable.

In social life Kilwarden was well known to Robert Emmet and his family, and particularly to his father, whose friend he was in early life. On hearing of the murder, Robert Emmet decided to abandon all further effort, hoping thereby to save the lives of many whose connection with the movement would thus be unknown to the Government.

The author is unable to recall the source of his information, but he is impressed with the fact that from his first learning of Lord Kilwarden's murder the incident has been associated with the name of Lord Norbury. His father, or some other member of the family, certainly detailed to him the circumstances of Lord Kilwarden's death, before he could have informed himself

by reading, and must at the same time have narrated what was held as a family tradition, that Kilwarden was mistaken for Lord Norbury. The writer has understood from the beginning that the murder was committed by a man whose father, a supposed innocent man, had been tried by Lord Norbury, with his packed jury, convicted and immediately hung. The man was looking on from the sidewalk, and on being misinformed, or not hearing correctly the name of the gentleman who was being removed from the carriage, cried out: "He is the man I am looking for", and, seizing a pike from some one, committed the murder before any one realized what was being done. Kilwarden was not thought to have an enemy, as he was regarded by all as a just and merciful judge, and by none more so than the people who had stopped him. Lord Norbury, on the contrary, was particularly hated by these people, more so than any other man in Dublin, so that he would have been assassinated any where and at any time the opportunity presented.

It was well known the subject of Kilwarden's death was never mentioned in Emmet's presence without an expression of horror on his part. Doubtless, when sending Miles Byrne, as a special messenger to his brother, Thomas Addis, in Paris, he charged him to give the details as they were known to him, and thus they became part of a family tradition, shared by Dr. Macneven, who was present when Byrne made his report.

After this work was ready for the printer, the author, learning that Norbury's connection with Lord Kilwarden's death was not generally known, began an exhaustive search to obtain some corroboration of the family tradition. He was so fortunate as to find in "The New England Reporter" (Boston, November 2d, 1843), an article taken from the "New York Examiner", entitled "Ireland and Her Persecutors", consisting of a sketch of Lord Norbury, William C. Plunket and General Sir E. Pakenham, who, as a member of the Irish Parliament was bribed for his vote in favor of "The Union", and was killed at the battle of New Orleans, where he was the commander of the English army. The article was apparently written as an editorial. It begins with a consideration of John Toler, afterwards Lord Norbury:

> He was greatly detested by a majority of his countrymen, but amassed wealth and obtained a Peerage for his uncompromising sycophancy and services to the English Aristocracy. He had two sons, and contrived to make Peers of both. The eldest, Daniel, Lord Norwood, died in 1812. The younger, Hector John, Earl of Norbury, was assassinated at noonday, none knew by whom; and so much was the old Lord disliked by the Irish, that in 1803 they took the generous Lord Kilwarden's life in the dark, *he having been taken for Toler by an infuriated multitude,* driven to madness by sad misrule. Toler was a witty man—a courtier—and as Barrington told him, "he had a hand for every man, and a heart for nobody".
>
> As the English Government required the most cruel, heartless, vindictive lawyer of the Irish bar, to dispose of their victims during the revolt of 1798, Toler was made Attorney-General that year in July; and as Emmet told him in 1803, could the innocent blood he had spilt be collected in one reservoir, his lordship might swim in it. As a reward for his active services in completing the sale of the Irish Legislature and domestic government to the English Tories he was created Lord Norbury, and made Chief Justice of the Common Pleas.

In 1827 he retired with a pension, to be paid for his life, out of the Irish taxation, of $14,000 a year. The Irish Jeffreys kept his seat on the bench till he had passed his 80th year, refusing to resign, though incompetent to perform his duties, but when Canning got power was glad to bargain to resign in favor of Plunket for an Earldom and a pension. Had Peel remained in power, Lord Norbury would have been protected on the bench, right or wrong. He was very covetous and amassed immense wealth, the reward of a long life of wholesale villainy and injustice of the most damning dye. Both his sons were married, but had no sons.

Of all men ever connected with the iniquitous persecutions from which Ireland has suffered in the name of the British Government, the cold-blooded bigot, Sir Robert Peel, will be remembered as the special friend of the Norburys of his day, and for his indifference or inefficiency in connection with the Irish famine, and as the advocate of the exportation of more food from Ireland than would have saved the life of over a million of people who died from starvation, or the consequences. Nor should he fail to get full credit for the Royal Constabulary, which body, in every action during the past seventy years of its existence, has proved most worthy of his training.

It is quite evident from circumstantial evidence that at the time of the explosion in Patrick Street, and the beginning of the outbreak, it was known to the police that Robert Emmet was the leader, and the house of every relation and friend of his in Dublin was searched. Yet at the time of Emmet's arrest it suited the purpose of Major Sirr to hold as the leader a man known to the Government as Robert Elles or Hewitt, who was arrested at Harold's Cross on August 25th.

In this connection the correspondence given by MacDonagh in "The Viceroy's Post Bag" will be of interest.

The following is a letter from Lady Anne Fitzgerald to the Lord Lieutenant:

"GLOUCESTER STREET, July 29th, 1803.

"MY LORD:

"I hope your Excellency will pardon the liberty of this letter. But finding that some persons have thought proper to say that I am aunt to the unfortunate Lord Edward Fitzgerald, and think in consequence I would harbour Mr. Robert Emmet, so, of course, they twice searched my house and garden yesterday. Nothing certainly could be more polite than the Yeomen were.

"But your Excellency may easily conceive how dreadfully my feelings must be wounded at any person suspecting that I, who am all loyalty, should be capable of harbouring any traitor. No, my Lord, were he my nearest and dearest relative, and capable of such conduct, he should not find refuge in my house.

"I beg leave to mention to your Excellency that I am sister to the present Earl of Kerry, who had, I believe, the honour of being known to your Excellency, and widow of the late Maurice FitzGerald, Knight of Kerry, both well known to be strictly loyal subjects.

"My servants inform me that some deal sticks, which I had for my flowers, were taken away, lest they might be used as pike handles. If they will look over my garden they will find hundreds of the same affixed to different flowers. I mention this only for fear that your Excellency should hear that any pike handles were found.

"From all that I can judge by the conduct of my servants, they are really sober, and in every respect well conducted. They all know my sentiments of loyalty, but as in these times there is no being certain of anything, I should be very happy if your Excellency should think it proper to order a couple of well-conducted soldiers to guard my house, for as an unprotected old woman I can not help feeling most acutely that any suspicion should fall on my house.

"Permit me to subscribe myself, your Excellency's most obedient, very humble servant.

"ANNE FITZGERALD."

As an immediate answer to this communication was not returned by the Viceroy, the lady was moved to have handbills printed and distributed publicly, declaring her loyalty, and her descent—though she was not the aunt of Lord Edward FitzGerald—from an ancient Irish family. "She is incapable," she says, "of suffering her house, carriage, or servants to give protection and shelter to Mr. Robert Emmet, or any other traitor to his King and country." A copy of this handbill she sent to Mr. Latouche, a well-known Dublin banker, with an interesting letter, in which she explains the incident that gave rise to the story that Robert Emmet had escaped from Dublin in her carriage. These communications were forwarded to the Lord Lieutenant by Mr. Latouche. Here is the lady's letter:

"GLOUCESTER STREET, July 31st, 1803.

"MY DEAR SIR:

"The many ridiculous stories that I hear have been propagated respecting the search made at my house on Thursday for Mr. Robert Emmet, and the not having had any notice taken of the letter I wrote to the Lord Lieutenant, and sent by the Knight, has so wounded my feelings that I could no longer resist from publicly avowing my principles of loyalty, and making it known from whom I descended, for though certainly my rank is not so high as some have since Thursday been pleased to raise it, yet as I have ever been foolishly proud of being of the House of Lixnaw, I do not at present wish to forfeit my title to it.

"The search I thought nothing of, because it is highly proper that every exertion should be made to find out so vile a traitor; but I own, I think, when that was twice, indeed, I may say, thrice, made in the most minute manner, even to searching the clock; and that my servants took their oaths that no man had been in my carriage that day, but that unluckily my footman, having had dreadfully sore eyes, and the dust very great, thought that as it was only an old carriage the coachmaker had lent me, he might shelter himself in it, and draw up the side blinds, that he might not be seen, as he knew how angry I should be if he went into it, as had once before happened with my own carriage, and I then declared that if ever he did it again I would turn him off.

"What I suppose made them suspect anything of the kind was my having requested of Mrs. Spring, on my hearing that Mr. Holmes was taken up, to take the carriage, and go to Mrs. Temple's lodgings in Dawson Street, and ask if they had heard anything of it.* I know there can be no one whatever more loyal than Mrs. Temple, and her late husband [Robert] paid dearly for his loyalty in America, as he lost his fine estate there, and Government, in consideration of it, gave a small pension to his widow and daughters. I mention this to show that I could not suppose there was any harm in my carriage going there, and as I had reason to think that Mr. Holmes repudiated the former Rebellion I could not help being shocked.

"I shall never deny the regard I ever had for Doctor Emmet. I owe him my life, and I am convinced he never knew, till long after his son Tom was taken up, that he had

*Robert Holmes, barrister at law, who was married to Emmet's sister, was arrested on suspicion of complicity in the Insurrection, but was released after a confinement of over a week without having been brought to trial. The Temples also were relatives of Emmet, as has been shown in Vol. I of this work.

gone the length he did. He in the most solemn manner declared so to me, and in truth, condemned it. I never saw Mr. Tom Emmet since he was taken up, nor Mr. Robert since two days after the poor Doctor's death, when I went to see his poor wretched mother. And surely I who can never forget my own sad loss must feel for any one in a similar situation, and perhaps with greater aggravation, for, alas! her sons instead of blessings, as they might have been, have by their conduct made themselves incapable of being so, and must assuredly bring shame to her.

"My servants do not even know Mr. Robert Emmet, as they assure me. I am told it has been reported that Alderman Carlton said I had told him that both Mr. Tom and Mr. Robert Emmet had dined with me a few days before the search. At first I did not mind his saying so to my servants as it might have been done to get them to own if they knew anything of him; but I really think that the Alderman should have taken care that that falsehood should not be propagated. No one, even if my rank was as high as they chose to make it, is above censure. Nor has age so blunted my feelings as to make me careless because I know my innocence of what is said. This business has shattered me more than, had it not happened, I am certain ten years taken from my life could have done.

The enclosed I had hoped would have been early enough at the printer's to have appeared in last night's *Evening Post;* but as it was not I have had these struck off. May I request you will show one of them to the Lord Lieutenant, in hopes that this publick avowal of my principles (which will most assuredly make me a marked victim to the Rebels) will convince his Excellency that both me and all my House are what we ought to be, as, I fear, from not hearing from the Castle, my letter did not.

"I have many apologies to make to you for this long scroll, but I have had so many proofs of your friendship that I think you will pardon it, and compassionate my feelings, which have actually deprived me almost of the power of holding my pen. I shall hope to hear that Mrs. Latouche's cold is better, and beg that you will ever believe me to be, dear Sir, your much obliged and most sincere friend.

"ANNE FITZGERALD."

"I much fear you can't make out this, but my agitation is so great I can't write to be read.

"I beg leave to mention to you that the sticks I had for tying hollyhocks and lilies to have been reported to be pike handles".

It was not until August 25 that the Lord Lieutenant was able to announce to the Home Secretary the arrest of "young Emmet". The insurgent leader was captured that evening in a house at Harold's Cross, a suburb of Dublin. The Viceroy adds:

"There is every reason to believe that he was deeply implicated in the affair of the 23rd ultimo, but I confess I had imagined that he had escaped. His having remained here looks as if he had been in expectation of a further attempt."

Before misfortune had been laid so heavily upon the Emmet family of Dublin, Lady Anne Fitzgerald was an intimate friend. She claimed some relationship to Mrs. Emmet through the Mason family, of Kerry. During fifteen or twenty years her ladyship passed the season in Dublin, and scarcely a day passed that she did not call to pay her respects to her friend, Mrs. Emmet, who was her senior. Few, if any, of these visits were ever returned, as Mrs. Emmet was devoted to the cares of her household and went but little into society. Lady Anne held the old doctor in the greatest veneration.

The reader can judge somewhat of her Ladyship's relation with the family by reading over some of the letters from Mrs. Emmet to her son imprisoned in Fort George, bearing the date of April 10th, and July 14th, 1800, and July

15th and September 17th, 1801. (Vol. I, pp. 281, 282, 301, 305.) Her granddaughter, Miss Ally Spring, was a great favorite and a frequent inmate with the Emmet family when Lady Anne was temporarily absent from home.

As Robert Emmet had resided so much abroad, previous to his last visit to Ireland, Lady Fitzgerald probably knew but little of him personally. But she doubtless did know that her nephew, Lord Wycombe, afterwards Marquess of Lansdowne, was an intimate friend of Robert Emmet and in full sympathy, if not implicated, with his movement for the independence of Ireland. Her ladyship was probably for the first time in her life perturbed as to the degree of her loyalty to the Government. She came of Norman stock, settlers in the mountains of County Kerry, who, after they became identified with the interest of Ireland, had for centuries held little respect for the English Government, while she herself was not above suspicion as to her sympathies in the outbreak of 1798. The English Government was fully informed as to the relation of Lord Wycombe with Robert Emmet and of his strong republican sympathies, and the authorities in Ireland showed more than usual good sense in adopting a course calculated to eventually make him a loyal subject by ignoring his connection with the Emmet movement.

The course of Robert Emmet from the city was to the Wicklow Mountains to meet Michael Dwyer. He was urged by many assembled there to return with them to the city and make another attempt to rouse the people. Emmet's reply to Dwyer, as given by Whitty in his Memoir, is somewhat different from what is usually cited at second-hand. Whitty claims to have himself seen and heard all he records in relation to Robert Emmet and in this respect his statements possess a value held by no other writer. He is represented as saying:

> Defeated in our first grand attempt, all further endeavours must be futile. Our enemies are armed; our friends dispirited, and our only hope is now in patience. The justice of our cause must one day triumph. . . . No doubt, I could, in forty-eight hours, wrap the whole kingdom in the flames of rebellion. . . . I have now relieved my bosom from a load of apprehension; and in preventing the revolt of last night from assuming the form of rebellion, I am conscious of having saved the lives of thousands of my fellow-countrymen. . . . Over my future destiny I have thrown a veil which mortal eyes cannot penetrate. Should I succeed in evading the pursuit of my enemies, you may expect to see me once more armed in the cause of Ireland; but should I fall on the scaffold, let not the coward or the knave intimidate you from again and again appealing to heaven in behalf of your rights and liberties by alluding to my recent failure. . . . My plan was an admirable one, but there was failure in every part; and from these defects let future patriots learn to prevent similar consequences. . . . I am prepared for the worst, I have lived in the bright idea of liberating my country. It was my father's wish; it was my brother's recommendation. So far I have failed to realize the promises I made them; but even death on the scaffold will justify their recommending my memory to every one who loves Ireland.

He accepted for a few days the hospitality of Michael Dwyer, the uncle of Anne Devlin, who as well as the husband of Mrs. Palmer at Harold's Cross, Canal Bridge, and several others, was an old retainer of the Mason family of County Kerry. After Dr. Emmet's marriage to Elizabeth Mason these and

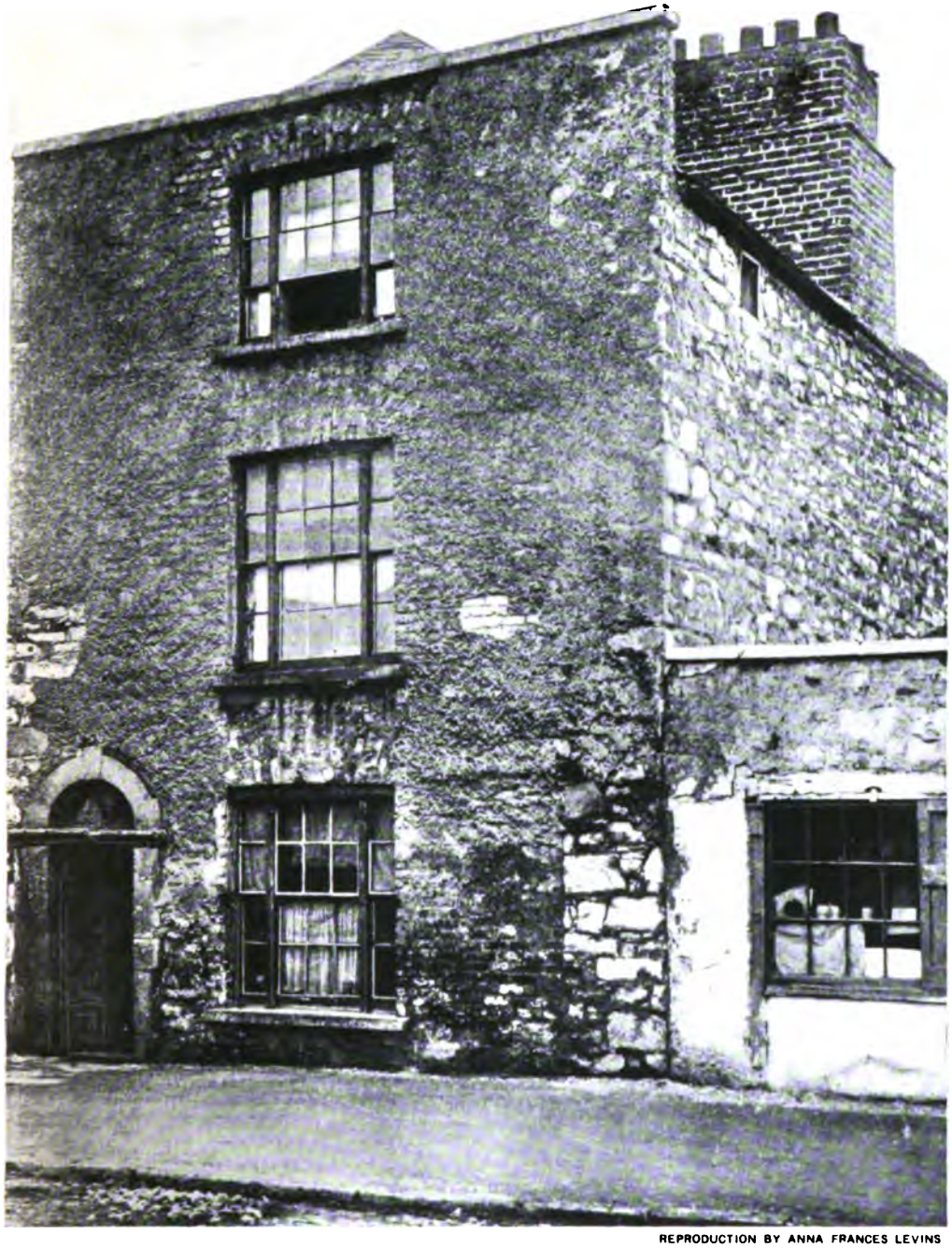
several others were brought to Dublin, and established in the neighborhood through the aid of the Doctor, and there they maintained in after-life a close relation with the Emmet family. Robert Emmet on his way from the city stopped the night of July 23 at the house in Butterfield Lane. The writer recalls once seeing a cheap cotemparary publication printed in Dublin, giving an account of Emmet's movement and trial. In this little book it stated that as Emmet reached the house in Butterfield Lane Anne Devlin was engaged in sending off to him a message and cart to the city with some communication and other things. Some witness who knew but little English and was translating his answer into English from the Irish stated that when Anne, who was in tears, saw Robert Emmet entering the house, she called out: "It is little welcome to you, for the blame is up to you for getting the poor fellows into trouble and now leaving them". The answer was: "It was not my fault, Anne". If this be true it shows that Robert Emmet spoke Irish, for otherwise Anne, as his housekeeper, would have addressed him in English, the language they generally used. It is quite likely the younger members of Dr. Emmet's family and their mother spoke Irish, for, as children they spent much of their time with their mother's family in County Kerry, where it was healthier than in Dublin, and where but little or no English was known among the natives.

The party remained a few days in the mountains, making every effort to get rid of their military clothing. Anne Devlin then arrived from the city with letters and Robert Emmet returned with her to Butterfield Lane. He could have easily escaped at that time to France, and it has been said that the Government hoped he would do so, but he decided to have first an interview with Miss Sarah Curran, to whom he had recently become engaged to be married. Through the assistance of Anne Devlin he had this meeting with Miss Curran and several letters passed between them. He could yet have escaped but an infatuation still held him with the desire to see her again. He was then informed by some of his secret friends connected with the Government that a reward had been placed on his head and the house was to be searched for the purpose of arresting him.

He then went to Mrs. Palmer's house, situated just beyond Harold's Cross bridge over the canal, on the left-hand side going out of town, and on the Rathfarnham road. He selected this house because John Philpot Curran, the father of Sarah, lived but a short distance beyond, and he hoped to see the daughter as she passed to and from Dublin.

In 1880 Dr. Madden pointed out to the writer this house in which Robert Emmet lived, and also showed a place for concealment behind the wainscoating which Emmet had made in a little room adjoining the parlor, but which in his hour of need he had not time to reach.

This room was in a wing as shown by the view of the house and when seen by the writer in 1880 it was filled with ashes and other rubbish. It is a fortunate circumstance that he had the house photographed, as the site was soon after covered by a new building, so that to the best of the writer's knowledge the spot can no longer be located. Dr. Madden stated that the number of the



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House at Harold's Cross, Dublin, where Robert Emmet was arrested

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house was 31. It was the second house from the bridge. Under the bridge is seen the lower portion of the first house, which is still standing, as is shown on all the tax maps of the time.

The nation, taxed without its consent, paid the very bribes by which it was undone, and Britain raised a tribute in Ireland by means of an Irish Parliament to perpetuate the old relation of imperial rule and provincial subjection, under new phraseology introduced at the era of 1782.

T. A. Emmet.

Chapter X

Government version of the Emmet movement previous to the explosion at Patrick Street depôt.

We have already fully considered the question of the extent of the knowledge possessed by the Government concerning the Robert Emmet movement before the explosion.

If the letter described to the writer, by Sir Bernard Burke, could be produced, it would be proved that Pitt who was the originator of the plot, and who suggested to the Irish Secretary that Robert Emmet, then in Paris, should be made use of to head a new rebellion, was fully informed of it from the beginning to the end; as well as the Secretary and Castlereagh, who established the Union. Lord Hardwicke, the Lord Lieutenant, and all the other members of the Government, however, were kept in profound ignorance.

Since Robert Emmet was surrounded with spies throughout, as no one has questioned was the case, they certainly were in the employ of some portion of the Irish Government. The circumstantial evidence would prove they were in the employ of Castlereagh, Pitt's direct agent. As Pitt caused the sudden arrest of the Irish leaders in 1798, to force the people to open rebellion, so he caused the explosion in Patrick Street to occur, forcing Robert Emmet to act before he was prepared. Pitt, and those acting under his direction, may have been ignorant as to the full extent of Emmet's movement, as the leader made but few confidants, and they may have been misled from over confidence, which, but for fortuitous circumstances, might have contributed to Robert Emmet's success, yet it was known that through their impulse a movement was on foot.

The Government version and the reports on which the official statement were based, as to the full effort made by Robert Emmet, are here given the reader, notwithstanding the unavoidable repetition.

As to one important circumstance the report confirms the statement made to the writer by Dr. Madden. He, as a physician, was given every facility by the hospital authorities in Dublin to examine all their case books but he was unable to find a record of any injury case which could have resulted from the explosion, although on the testimony of the police the newspapers stated, that the injured

were taken to the hospital for treatment. One report gives the explanation that the men were treated privately, where they could be kept as witnesses. It is claimed that one man died on the premises from hemorrhage, but no account is given as to the disposition of the body, and as Dr. Madden could find none where it should have existed, in all probability the reported casualty was a myth. The explosion took place in a temporary structure of boards put up in the yard by the carpenter who lived and had his shop in the house fronting on Patrick Street, which was entirely destroyed by the explosion. Finding no evidence of the explosion it was claimed the true situation was not known until the day after the outbreak, when the arms were discovered. The supposed dead man who was carried out from the depôt by the police was probably the spy who caused the explosion and he was thus furnished with the means of escape to enter the Government employ at Woolwich, and some of the claimed wounded were also, thus afforded the same facility and were never heard of afterward. There was a house in the rear adjoining the carpenter's house on Patrick Street, but there was found no communication between the two buildings. The only entrance was to the yard by the alleyway (shown on the map) from Patrick Street and through the gateway by Hanover Lane. In 1803 there was also a communication to the eastward by Limerick Street, running from Patrick to Francis Street, but it is now closed.

According to the Government version:—

Some time before the renewal of the war with France, a considerable degree of agitation had been observed among those who had favoured the cause of the United Irishmen, and also an alarming resort to Ireland of persons notoriously in the interests of the French Government. There were still to be found in the country some pardoned delinquents, who had yet to learn prudence from their escape from punishment, and who hailed the opportunity for recommencing their machinations. While some of these restless agitators spread themselves over the provinces, others fixed their abode in the metropolis: it has been alleged that an active correspondence was set on foot with France, but Mr. Marsden, Under-Secretary to the Lord-Lieutenant in the Civil Department, whose official situation furnished him with the best means of being accurately informed on the subject, expressly asserts that, in all the researches and investigations of the Government, scarcely any traces of such a correspondence were discoverable, though the leaders of the rebellion residing in different parts of the Continent were invited by the French Consul to Paris, consulted, cajoled, stimulated by flattery and promises, and directed to hold out similar encouragements to their partisans in their own country.

Among those who still cherished the political principles of the United Irishmen, and indulged in dreams of a separation from Great Britain, and an Irish Republic, was Robert Emmett, youngest son of Dr. Emmett, who had long held the situation of "State Physician" to the Lord-Lieutenant, and brother of Thomas Addis Emmett, whom we have seen quitting a respectable situation at the Irish Bar, to pursue the wild projects of 1798. From him, no doubt, Robert had imbibed those sentiments which, at the time of the disturbances, caused his expulsion, and that of eighteen other young rebels, from the University of Dublin, and rendered him an object of the vigilance of the Government. He had, in consequence, found it convenient to leave Ireland, and to reside abroad while the Habeas Corpus Act was suspended, but had returned when it came again into operation.

This young man, who was scarcely twenty-one when his life became forfeited

to justice, possessed promising talents, which, properly directed, might have raised him to fame, while his deportment and conversation at all times manifested a high degree of political enthusiasm.

The death of his father having placed £2,000 in ready money at his disposal, he, with this fund, set about the subversion of an old established Government, and even the manufacture of all the means for accomplishing it—pikes, ammunition, not excepting gunpowder. His principal assistants in this insane project were, Dowdall, who had formerly held a very subordinate office under the House of Commons; Redmond, a man in narrow circumstances, who pretended to be engaged in some species of commerce; Allen, a broken woolen manufacturer; Quigley, a bricklayer, of considerable address. To these must be added Russell, a religious as well as political enthusiast, son of an officer of reputation in his Majesty's service, and who himself, placed early in the army, had served throughout the war in North America.

I believe, from all that was known, that though Emmett aimed at the separation of Ireland from British connection, and her entire political independence, his patriotism revolted from the idea of seeing his country reduced to a dependency of France, as had been the fate of several States of the Continent, which had accepted the insidious alliance and aid of her unprincipled Government. He was well acquainted with the projects under discussion with his exiled country-men in Paris; and, to prevent their execution, he seems to have hastened his own plans more than he might otherwise have been disposed to do. A desk found in his depot, which, during the last days of preparation, he made his exclusive abode, contained some papers, affording a clearer insight into his peculiar cast of character than description is capable of giving. One of these, apparently the careless effusion of a leisure moment, presented the following rhapsody:

"I have little time to look at the thousand difficulties which still lie between me and the completion of my wishes; that these difficulties will disappear, I have ardent, and, I trust, rational hope; but, if it is not to be the case, I thank God for having gifted me with a sanguine disposition. To that disposition I run from reflection; and, if my hopes are without foundation—if a precipice is opening under my feet, from which duty will not suffer me to run back—I am grateful for that sanguine disposition, which leads me to the brink, and throws me down, while my eyes are still raised to the vision of happiness that my fancy formed in the heavens".

A man, who, in the circumstances of the writer, could pen these lines, betrayed, in my apprehension, an almost entire absence of reason. What result could be expected from the plans of a mind so constituted—if, however, Emmett had so much as thought of forming any plan at all—but that which actually followed? Without money, without the influence or countenance of a single individual of name or note, without any but the rudest weapons, without force, save a few hundred of the meanest of the peasantry of Kildare and of the Dublin rabble, this hotheaded, rash, and inexperienced young man set about the task of storming the Castle, the Bank, the public offices, and possessing himself of the capital of the kingdom in the face of a numerous and efficient garrison. The attempted execution of this design corresponded with the conception. This rebel commander, after literally fretting and strutting his hour through the streets in green uniform, flourishing a drawn sword, surrounded by low desperadoes, whom he had dubbed generals and colonels, vanished from the theatre of his exploits, and was no more seen in public till he made his appearance on the scaffold.* An enterprise so like the effect of insanity might perhaps have pleaded for mercy, had not the blood wantonly spilt on the night of the 23rd of July demanded a signal atonement. The copious details of the events of that night, which will be found in the official reports of Mr. Marsden, might be thought to render it superfluous to pursue this subject further, but recent occur-

*"I would not hurt the feelings of the fallen at the sad moment of their retribution, but it is impossible to reflect on Emmet's career without greatly assimilating it to that of Smith O'Brien."

rences have imparted to it a renewed interest, so intense that, in order to render the information given in those reports more complete, I shall venture to add a few particulars gleaned chiefly from the Annual Register for 1803.

It appears that Emmett, having taken no precaution for the security of his depot, nor provided any means of retreat to it, totally abandoned it to its fate. The bustle observed in the lane where it was situated, and the number of armed men issuing from it, naturally attracts attention. Lieutenant Coultman, of the 9th Regiment, then accidentally in Dublin, partaking in the general alarm, collected a few men, zealous and resolute like himself, some of them belonging to his own regiment, others volunteers of the barrack division, with a serjeant and twelve men, whom he met by the way, and proceeded to the place whence so much mischief had appeared to issue. The pikes, with which the lane was strewed, marked the way to the magazine, which, being wholly deserted, was entered without resistance by Lieutenant Coultman and his party. There they found the whole apparatus of rebellion—a large quantity of ball cartridges, gunpowder, hand grenades, pikes, some military dresses, but, above all, eight thousand copies of a proclamation, wet from the press, of persons styling themselves the Provisional Government, and containing their project of a future constitution.

The authors of this instrument offered no sort of apology or vindication for intruding themselves into a situation already occupied: they appeared to suppose their claim and call to be perfectly notorious and allowed. Perhaps a higher effort of presumptuous pride and folly was never before presented to the world than that displayed in this manifesto, which did not even contain one word to attach or animate the people: hence it was supposed to be a surreptitious production of one of the meaner confederates. Nothing of the superior mind of an audacious contriver was there displayed. The whole was as formal as if it were an official document from an acknowledged and undisturbed government, and as peremptory and decided as if its authors had ascended to authority by prescriptive right and regular succession. It became the jest of the multitude as soon as it was made public: and perhaps no other circumstance could have tended more directly to produce in that class of people a disposition favourable to the established authorities; as they were here taught that the Irish were not to expect from a change of their constitution any redress of their grievances, nor any other alteration, save a change of governors.

After acting the general for the short space of an hour, Emmett, either finding himself deserted by his army, or at the head of a mob by whom his commands and even his entreaties were slighted, fled in despair from Dublin. Next morning, the secret history of the depot, of the preparations there, and of his individual share in the transaction, became universally known. A man, in passing by the magazine on the 21st of July, had been taken prisoner by the conspirators, who were apprehensive that he had discovered the drift of their operations. His life had been spared by Emmett, contrary to the desire of the sanguinary miscreants around him. On the night of the 23rd, after being detained two days, he effected his escape, and was able to detail minutely all the transactions of the place, and to describe the persons whom he had seen there. A pursuit after the chiefs was immediately commenced. Emmett, with twelve chosen men, had taken the road leading to the mountains adjacent to Dublin. There, with a folly closely resembling insanity, which indeed marks all the transactions of these wretched enthusiasts, men who could have no rational hope of safety but in concealment, marched about in the dress of French officers, but they received no other succour than that compassion afforded. Their appearance, and the character which they had assumed, naturally excited notice and alarm, and search was made for them in every direction. Emmett again took refuge in Dublin, where he was quickly discovered by the police, and committed to prison. His principal assistants fled. Dowdall and Allen escaped out of the country; Redmond was apprehended at Newry, as he was about to take his passage to America; Quigley and

Stafford concealed themselves in the interior of the country, and were not taken till after the execution of Emmett.

The prisoners secured on the night of the 23rd were some of the most wretched among the rabble. About three weeks after the affair, a commission was appointed for trying all those charged with treason against whom evidence appeared. These, with Emmett and Redmond, were severally brought to trial, convicted, and executed. Emmett made no defence whatever, but, when called to receive sentence, he delivered an animated address to the Court, avowing his treasons, and appearing to consider himself as suffering for the cause of his country. But what Irish felon, condemned to suffer for his crimes, has not claimed for himself the character of an innocent and a martyr! At his execution, he displayed uncommon firmness and composure, declared himself a member of the Church of England, and accepted the services of a clergyman of that communion.

At the time that Emmett hazarded his silly attempt in the metropolis, his friend and associate, Russell, made an appeal to the passions of the people in an obscure corner of the northern province; but he was so coldly received, and so alarmed by threats of being apprehended, that he fled; yet from his place of concealment he ventured to issue a proclamation, in which he styled himself General of the Northern District, and endeavoured to seduce the people by that sort of language with which they had formerly been familiar. When Emmett was taken, Russell repaired clandestinely to Dublin, where he could not long escape the vigilance of the police. Two days after his arrival, he was secured, without resistance, at a house in Parliament Street, and immediately transmitted to Downpatrick, where he was shortly afterwards tried, and, upon the clearest evidence of his treason, convicted. After his trial, he manifested all that wildness of religious enthusiasm which had for some time formed the prominent feature of his character. On conviction, he addressed the Court at great length, and with remarkable firmness. He declared his adherence to the political opinions for which he was about to suffer, and touched the gentlemen of the County of Down by whom he was surrounded, in a tender point. These gentlemen had once been foremost in the outcry for parliamentary reform and political independence. Russell reminded them of this circumstance, and declared that he was about to suffer for endeavouring to put into execution the lessons imbibed among them, and concluded by begging a few days of life, in order to complete a moral work upon which he was engaged. The nature of this work sufficiently exhibited the state of mind of the unfortunate author. It was a collection of notes on a publication by the celebrated millenarian, Mr. Dobbs, tending to enforce that writer's interpretation of certain prophecies, which, according to him and his disciples, indicated the near approach of the Millennium.

After the execution of Emmett and Russell, Quigley and Stafford were apprehended in the County of Galway. Government, however, satisfied with the examples which had been made, was inclined to lenity; and the lives of these two, and of the other untried prisoners, were spared, on their making a full disclosure of the yet unknown circumstances of their treason.

Ever since the Rebellion of 1798, a leader of the insurgents, named Dwyer, had remained in arms, at the head of a gang of deserters and banditti; and, obstinately rejecting repeatedly proffered mercy, he had dexterously eluded pursuit, and maintained himself under the protection of the almost inaccessible fastnesses of the Wicklow mountains. His party did not ostensibly exceed twenty, but he was supposed to possess unbounded influence over the peasantry of that district, so that for any notable undertaking, a large body of men was within his means of command. To this man, overtures had been made on the part of Emmett; and he had been urged to levy his utmost force, and to make the first attack on the capital. Dwyer, however, gifted with infinitely more good sense and prudence than Emmett and his associates displayed, is reported to have replied to their application, that "he would

not commit his brave men upon the faith or good conduct of the rabble of Dublin: however, if the latter could accomplish any point of moment, or he could perceive the green flag (the colour of the Rebels) flying above the King's on the tower of the Castle, he would be at hand to cover or second the enterprise."

After its utter failure, however, Dwyer, and the outlaws whom he commanded, struck with the impracticability of any treasonable attempt which they could undertake, submitted on the stipulation that their lives should be spared; and thus was brought to a close whatever remained of the Rebellion of 1798, and the conspiracies of that period and 1803 were at once completely destroyed and buried in the same grave.

A very strong sensation was excited throughout every part of the British empire by this conspiracy and its attendant circumstances. Not less was the surprise that a city, second only in importance in the British dominions, garrisoned by a numerous and well-appointed soldiery, under the command of an officer of the highest reputation, and the seat of the civil government of the kingdom, should have been for more than two hours in the hands and at the mercy of a lawless mob. These were circumstances so unaccountable, that an investigation of the causes was looked for as a matter at once of right and necessity. No such satisfaction, however, was afforded, and it was generally considered that blame of the most serious nature was attributable to the Irish Government, and the friends and partisans of the Lord-Lieutenant and the Commander-in-Chief strove in mutual recrimination to shift it from the one to the other. The result was that General Fox was removed from Ireland, although Lord Hardwicke was continued in the Lieutenancy.

From the official Reports by Mr. Marsden, the accuracy of which I see no reason to doubt, it appears to me that both parties rendered themselves liable to the charge of remissness—the civil authorities for not calling the soldiery in the City into action on the very first symptom of the disturbance, of which, it is admitted, that they were forewarned; and the military for not despatching the troops in the barracks till some hours after they were sent for.

The circumstance from which this hopeless and disastrous commotion derived a degree of celebrity far beyond that which would naturally belong to the ordinary acts of disturbance in a disaffected country, and in an ill-regulated metropolis, was the dreadful catastrophe of the Chief Justice of Ireland, the Lord Viscount Kilwarden.

As a full account of the murder of this good and just man has been fully given elsewhere, Marsden's account, forming a part of this report, will be omitted.

The "Memoirs and Correspondence of Viscount Castlereagh" (Vol. IV, p. 313) contains the following:

PAPERS RELATING TO THE INSURRECTION IN DUBLIN, ON THE NIGHT OF JULY 23, 1803

Account of the Explosion in Patrick Street, on July 16

The explosion in Patrick Street, on July 16, was not sufficiently loud to occasion a very general observation of it; and it appears that even the windows of the room where it took place were not broken by it. To prevent suffocation, the persons inside broke the glass, and Keenan, who is since dead, cut himself so deeply by running his arm through a pane, that the effusion of blood principally occasioned his death. The danger of fire was what chiefly excited notice, and a fire-engine was sent for. On its arrival, the persons in the house refused to admit it, and turned away the men

who belonged to it; and it was the complaint of these men to a peace officer which first excited suspicion of some improper proceedings in the house.

Two men were wounded, one of them, Keenan, so badly that he died very soon, and gave no account of how the accident happened. The other, Byrne, a labouring man, was taken into custody. The peace officer made a search in the house, and found saltpetre and other ingredients for making gunpowder, a machine for bruising saltpetre, about a hundred ball cartridges, and some pounds weight of bullets, several short poles, about three feet along, the use of which was not known [they were for jointed pikes], three bayonets, not any pikeheads, nor any firearms.

Enough was discovered to excite considerable suspicion; the house was known to belong to Mackintosh, and search was immediately made for him, but he could not be found. Byrne was taken to the Superintendent Magistrate's office, and closely examined. He protested that he had only worked as a common labourer, carrying mortar to build up a wall, and that he had been employed there only from the day preceding.

It appeared to me to be an object of considerable importance to get information from this man, and therefore, instead of sending him to the gaol or a common infirmary, I had him put under the particular care of Surgeon Henthorn, with particular injunctions as to his being kept separate, and the surgeon was enjoined to pay him the strictest attention, and, if possible, to get a discovery from him. The surgeon, as well as a peace officer, had several conversations with him, if possible, to learn further particulars; but he never deviated from his first story, which there is now reason to think was true.

On the day after the explosion, a report was made by two of the watch, that, on the preceding night, they had followed two men carrying a cask; that, on being asked by the watch where they were going, they answered, "Come along with us, and you shall see"; that they rested the cask on the window of the house of a man of the name of Palmer, who lives at the corner of the Coombe and New Streets, who opened the door of his house on a private signal being given, and, seeing the watchman along with the men who had charge of the cask, he shut his door, and walked out of the street.

The cask fell down, and, some ball cartridges and flints falling out of it, the two men ran away, and left it in the possession of the watchmen, who, after carrying it some way towards their watch-house, were stopped by a party of men, some having arms, who rescued it from them. The watchmen were joined by others, and assistance was demanded from the guard-house at the Coombe; but, as only three soldiers were there, none of them would quit their post, and the party escaped.

The watchmen deposed this on oath, and I sent for one of them, and examined him minutely as to all the circumstances, which were as above stated. I sent the Superintendent Magistrate himself and other persons into the neighbourhood of where this happened, and particularly to ascertain from what quarter the men came who took the cask from the watchmen. They were said to have come from one of the small lanes in which that neighbourhood abounds; and I repeatedly expressed my intention, if that lane should prove not to be a thorough passage, to have all the male inhabitants of it taken up and sent on board the tender. This intention I repeatedly signified to the Superintendent Magistrate, and others. The searchers made, however, did not sufficiently ascertain this, and the land was a thoroughfare.

I had Palmer taken into custody and examined. He answered, that there was nothing strange in his being up at an early hour of a summer's morning; that he knew nothing of the cask, or the parties carrying it; and that he did not receive it into his house. Although I was convinced that he was privy to its contents, I thought it best to liberate him, as I was certain he would have got a judge to discharge him in the course of the day, and that his being liberated in this way would expose our want of powers, and be matter of triumph to the disaffected. It may

be urged that a general search for arms should at that time have been made, and that suspected persons should have been apprehended. The alarm attending such a proceeding would have been exceedingly great, and the event might not have justified such a very strong measure.

The apprehending of suspected persons would have been to no purpose, as the Habeas Corpus Act was not at that time suspended. A further search was made in the house in Patrick Street by Major Sirr—a few more ball-cartridges were found. Inquiry was made as to the smallness of the guard on the Coombe, and it was answered that it was a barrack, and not a guard, and that, therefore, there were not necessarily a greater number of men there than was sufficient for the protection of the house.

Nothing more could be learned, but all these circumstances added to the suspicions which were entertained in the course of the week of the preparations by the disaffected being in forwardness. There is also every reason to think that the discovery made accelerated considerably the period of the rising, and brought matters to that state which rendered it so highly probable that an attempt would be made on the night of July 23.

August 25, 1803. A. M. [MARSDEN]

Extract from a Statement made to the Lord-Lieutenant in the month of August last, respecting the transactions which took place in Dublin on July 23, 1803.

However uncertain it had been, during some days preceding Saturday, July 23, that a rising was to take place on that day (in a paper already delivered to your Excellency, I have stated the causes of this uncertainty), yet, on the morning of that day, the information received left no longer any doubt of what was intended.

On coming to the Castle, at some time between half-past eleven and twelve o'clock on that day, I received several communications, some of them secret, others from persons who had come to some knowledge of the intentions, and, in some instances, of the actual movements of the disaffected, which made it manifest that the peace of the city must be very seriously disturbed in the course of the ensuing night. Although I conceived it to be of the utmost importance to avoid spreading an alarm until it was certain that danger existed, the only consideration now was by what means the attempt, hitherto so improbable but now so imminent, was to be defeated; and as the civil power, at no time very efficient in Dublin, was for this purpose wholly inadequate, I thought it my principal duty, after apprising your Excellency of the probable danger, to take care that the garrison of Dublin, consisting of near 3,000 men, should be informed that their services might be required in the course of the night.

The commander of the forces, I knew, was to be with your Excellency, by appointment, on other business, in the Phœnix Park at two o'clock on that day, and at the same time that I wrote to your Excellency, informing you of the apprehensions which I entertained, I recommended to you to bring General Fox to the Castle in your Excellency's carriage, stating, at the same time, "that I made this request upon no light grounds". At the same time, I wrote also to Major-General Sir Charles Asgill, who commanded in the district of Dublin, requesting him to call upon me at the Castle.

I understand that General Fox reached the Phœnix Park at half-past two o'clock, and that your Excellency, on receiving my note, immediately ordered your carriage, and, leaving your Aide-de-Camp behind, brought the General to the Castle at between three and four o'clock, soon after which I waited upon your Excellency in your closet; General Fox only being present. At this interview, I could not pronounce that the danger was absolutely certain, nor did I apprehend that any attempt could be made which would not readily be defeated. I therefore thought it best to state the particulars of the information which I had received, especially as General Fox

had returned from the country but a day or two before (much of which had from time to time been communicated to your Excellency), submitting to the judgment of the persons whom I addressed the probable result, and, at the same time, showing it to be my opinion that a rising that night was much to be apprehended. Taking this line, I could not fail to enumerate several of those communications which had made the most impression on me; and, as the information I had received that morning more particularly engaged my mind, I could not have omitted mentioning nearly the whole of it.

Among other things, I recollect having stated that a person in the north of Ireland, who formerly gave me information, had, by letter, assured me that Dublin and Belfast were to be attacked at the same time on the Saturday or Sunday following; and also that a gentleman* who had come from the North, informed me he had heard the same thing. To the first, I did not attach implicit credit, for reasons which I then explained; and Mr. Atkinson had his intelligence two or three degrees removed. I mentioned, however, that a person who was in the secrets of the disaffected, and with whom I frequently communicated, had come to me very soon after I reached the Castle that morning, in much alarm, and assured me that the danger was imminent. I had also been informed by a magistrate† that a Priest had given him similar intelligence. I remember having stated what Mr. Clarke‡ of Palmerstown, who employed some hundred men in his cotton manufactory, had communicated respecting the riotous disposition of his men, and their determination to quit his work and to march into Dublin that day, having previously, in the morning, at an unusual hour, insisted on being paid their wages.

To impede this attempt, I urged the necessity of strengthening the post at Chapelizod,§ a village which lay between Palmerstown and Dublin. In this General Fox concurred, and orders, it appeared, were given to have it done. The state of the Pigeon House was also talked of. It was known to General Fox that the Garrison of Naas had been taken under arms the night before, from an apprehension of being attacked by the townspeople, who had quitted the place. These, I was informed by others, as well as by Colonel Wolfe and Mr. Aylmer, had come, some into and others towards Dublin. The latter gentlemen had left Naas at eight o'clock in the morning; the town was then deserted by its inhabitants. As he came to Dublin, he had not seen any men, but had met many women going from thence. The fact was beyond question, and so I stated it to be, that an extraordinary number of people had come into town. This circumstance scarcely left a decision with the leaders, who, I think, I mentioned, were at that time divided in their councils, whether or not an attempt should be made.** Your Excellency and General Fox paid every attention to this statement, occasionally making observations upon it. It was impossible to represent the extent of the disturbance, which it was supposed would take place. No apprehension was entertained of any degree of success of the insurgents, on account of the several military posts stationed in the city, and from the strength of the Castle guard and its vicinity to the barracks in Parliament Street, where the 62nd Regiment was stationed. It could not be imagined that the Castle or the public offices in its neighbourhood were to be attacked. The impression which it was meant to convey to General Fox was, that disturbances would, in all probability, take place, and particularly on the side of the avenues which led from Naas and Palmerstown; and I either directly stated, or by direct implication, that the exertions of the military would be necessary.

Between four and five o'clock General Fox left your Excellency and me together, observing, among other things, which I do not now recollect, that he had much satisfaction in thinking that so good an officer as Colonel Vassall was Field Officer of the day, upon whose coolness and discretion he could place the greatest reliance.

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*"Mr. Atkinson."
†"Alderman Manders."
‡"See Mr. Clarke's examination on the trial of Donnelly & Farrell."
§"The party left the barracks at eight o'clock."
**"It is now known that it was only on the night of July 23 the rising was determined upon, and that at two o'clock on the 23rd, the Kildare leaders declined to act, and left the city."

Sir Charles Asgill, to whom I had written at the same time that I wrote to your Excellency, called upon me at the Castle soon after six o'clock, and made an excuse for not coming sooner. He was aware of the business upon which I wished to see him. Sir Charles remained with me till about seven o'clock. I stated to him, but not in detail, the danger which was apprehended in a degree more strongly than I had done to the Commander of the Forces, as later accounts had put it out of doubt that a riot must happen. While Sir Charles remained with me, fresh accounts came in, and Major Swan and Colonel Finlay were some time in the room, communicating new facts or observations.

Colonel Finlay had applied for an escort to take him to his house, which lay on the road to Naas,* and had come from the Royal Hospital, where he had delivered a letter from me, requesting that a party might be furnished to him. Having occasion to return into town, he called at the Castle to mention his having succeeded in procuring the order for it, and also for the protection of the Powder Mills at Clondalkin. Sir Charles left me to go to the Royal Hospital,† to the Commander of the Forces. Soon after this the alarm increased, and several Magistrates and Captains of Yeomanry came to the Castle, desiring to be informed how they were to act. It was thought prudent to restrain the Yeomen from assembling‡ their men, and by their so doing increasing the alarm, as well because it was known that few of the Yeomen had arms and none of them ammunition (no general delivery having been made to the corps), as because it was conceived that the troops in the barracks of Dublin and at the several posts had received orders to hold themselves in readiness, and were probably at the instant engaged. And as it was known that the Garrison of Dublin consisted of about 3,000 men,§ they were considered to be fully equal to preserving the peace and certainly the security of the town, however great the anxiety might have been that they should act with complete effect on the first intelligence of the assembling of the mob.

Several accounts reached the Castle of the number of the mob increasing in Thomas Street and James Street. A Magistrate|| who had left the Castle a short time before it grew dark, returned, he having been fired at and wounded near the Queen's Bridge. Not long after this it was reported that Lord Kilwarden and his nephew had been killed** at a quarter before ten, and likewise Colonel Browne, of the 21st Regiment. At later periods accounts came of Yeomen being killed, and also a Dragoon having been piked. During this time extreme anxiety was felt at the Castle, to hear of the march of the troops of the Garrison to that part of the town where the riot existed. Notes were sent from the Castle to the barracks, urging in the most earnest manner, that parties should be sent into the streets; and the consternation increased among the magistrates and gentlemen, who crowded to the Castle, as no assurance could be given that the troops had actually quitted the barracks. At this moment the uncertainty of the extent of the danger became very great; and the letters written during that interval must have expressed it to be so. For the actual safety of the Castle no apprehension of danger was entertained. Early in the evening the usual guard, sufficiently strong, was reinforced by thirty men, which Major Donnellan, of the 2nd Regiment, brought from that regiment, consisting of about 600 men quartered at the Old Custom House, within two hundred yards of the Castle. Two pieces of cannon were got to the gates, and the Yeomanry, beginning to assemble, came to the Castle for ammunition and arms. The quantity there was, however, inconsiderable, and that any was there was contrary to the orders of the officer who has charge of it, and who is only accountable to the Master-General and Board of Ordnance. An escort of Yeomanry was, therefore, sent to the Magazine in the Phœnix Park, for a supply.††

* "And also for the protection of the Powder Mills at Clondalkin."
† "He did not, however, reach the Hospital until after nine o'clock."
‡ "See Captain King's letter."
§ "Between three and four thousand."
|| Mr. Clarke.
** "See Note."
†† "Repeated messages were sent to the offices of the Ordnance, and orders given, about the time it grew dark, to break open the stores, as the keys could not be found. When Captain Godfrey came, he informed me that he would open the stores, but that there was not any ammunition in them. He afterwards returned and said he had found a small quantity, which remained there contrary to orders."

One of the first concerns felt was for your Excellency and your family, who were in the Park, as the ordinary guard stationed for the protection of the Lodge was by no means sufficient for your safety. A request was sent both to the Royal Hospital and the barracks that a reinforcement might be despatched to your Excellency's Lodge, which was immediately done.

At about eleven o'clock an account was brought to the Castle that a firing had commenced. This was from a party of the 21st Regiment belonging to the Barracks in Cork Street, which had been sent to escort an officer of the regiment from his lodgings to the barracks.* This party fell in with the mob in Thomas Street, and, firing upon them, as afterwards proved to be the case, routed them from thence.

At eleven they were again fired upon by a party belonging to the guard on the Coombe, in which direction the mob had fled after quitting Thomas Street; and they did not any where afterwards appear in a body throughout the night.

While the mob remained in force in the street it was hoped at every moment that an account would arrive of the army having marched from the barracks. Between nine and twelve o'clock several letters and notes were addressed to Sir Charles Asgill and the officer commanding at the barracks, both by Sir E. Littlehales and myself, urging in the most earnest manner that the troops should be sent into the streets. A note from Sir Charles Asgill, dated half-past one o'clock,† gave the first intimation that they had done so. Two hours before that the mob had been finally routed.

The Army and the Yeomen patrolled during the rest of the night, and, after clearing the streets, searched suspected places, and discovered many persons who had been concerned in the violent scenes of the night, as well as concealed pikes and other weapons. The principal depot of arms in Bridgefoot Street had been discovered before, about the time that Colonel Browne was killed, nearly opposite to it, as he walked, attended only by his servant, towards his barracks. It was not till about one o'clock that Lord Kilwarden's body was known to have been found, nor for a considerable time after that of his nephew, Mr. Wolfe.

At daylight it could not be discovered that those who composed the mob had any where retired in a body, and it has since appeared that they concealed themselves in the houses in Dublin, or retreated singly, or in small parties, to their respective houses in the country.

It is very doubtful whether those in arms exceeded 300. Great efforts were used by their leaders to rally them, but the numbers decreased as the night advanced; and, had not a false alarm‡ on that evening occasioned them to break forth when they did, it is supposed that the numbers at a later hour would have been still fewer.

The arms furnished from the depot, and carried to the adjoining streets, seem to have constituted their whole resource. Pikes were the common weapons; there were no muskets,§ and the leaders were armed with blunderbusses, mostly purchased that very evening. The quantity of ammunition is nearly ascertained by the return of what was conveyed to the Royal Barracks. Five thousand pikes are also said to have been carried there, and it can not be supposed that the residue could very much exceed the number of persons who armed themselves with them, and the whole cannot be estimated at more than 7,000, if so many.**

Of the insurgents it is supposed that about twenty-one were killed—few of the wounded were found in Dublin, but, according to the usual proportion, they must have been considerable: Colonel Browne, of the 21st Regiment, was killed as he walked the streets; Cornet Cole, passing in a carriage from the Canal Harbour, was dragged out and

* "See Lieutenant Brady's examination on the trial of Byrne, from which it appears that at ten o'clock at night no orders had been sent to the barracks in Cork Street, which lay close to Thomas Street. See also the examination of Colonel Vassal, in the trial of Emmet."

† "The troop marched from the barracks at a much earlier hour."

‡ "There was an alarm of the approach of the military, but it does not appear that the commencement of the attack was much accelerated by it."

§ "There were four muskets."

** "Emmet stated the total of the pikes to be 8,000; Quigley asserts the same, including those sent to Smithfield, and Ringsend, and Redmonds, the only places to which pikes were sent."

badly wounded; two dragoons of the 16th Regiment, carrying expresses, were killed; and a private of the 21st, who was attacked by one of the pikemen, is since dead of his wounds.

The Yeomen could not assemble so as to make any attack in a body, and, therefore, were not engaged until the mob was routed; but most unfortunately, Messrs. Edmonson and Parker, of the Liberty Rangers, were killed as they endeavoured to join a party of their friends, and three others were wounded. A. M.

General Statement of the Matters Relating to the Insurrection of the 23rd of July, 1803.

The investigation of the circumstances attending the Insurrection which lately took place in Dublin has led to a full disclosure of the original design of the parties engaged, and the principal facts which occurred on that occasion. From the nature of the attempt which was made, great uncertainty existed as to the extent of the danger, and that much misapprehension, and even misrepresentation, took place, was almost a natural consequence.

It is now known that the design of the attempt, which was afterwards made in July last, was conceived in France about the middle of the last winter. Previous to that period, the probability of a war with England had made the Government of France turn their thoughts to an expedition to Ireland; but it is not material now to enter into the particulars of that plan, though furnishing much curious matter, as it was not advanced during the winter, nor does it appear in its circumstances to have been combined with the attempt which was afterwards made.

Encouraged, no doubt, by the French Government (who, as well as some of his associates, were probably unacquainted with the whole of his object) the sanguine disposition of the younger Emmett, who was last winter in Paris, led him to conceive a plan for effecting a Revolution in Ireland, separating it from England, and establishing an independent power in this country, capable of foreign relations, before the French should have their plans matured for an invasion and a conquest.

With this view, there is reason to think that he communicated with several of the exiled Irish then in France, and particularly with his brother, T. A. Emmett, and Macnevin.

The growing prosperity of Ireland, since the extinction of the Rebellion of 1798, might be supposed sufficient to have discouraged such an enterprise; and to those who actually knew the country it must have appeared hopeless, even with the aid of a considerable foreign force. There is reason to think that the ill-judged exaggerations of mail robberies, and particularly of the disorderly scenes which took place in the County of Limerick, were relied upon by Mr. Emmett as sufficient proofs of a revolutionary disposition ready to act, and generally pervading the country.

Many exiled Irish were then on the Continent; but it appears that Mr. Emmett did not succeed in getting more than Russel and Quigley to engage in the expedition to Ireland. Russel was one of the prisoners who had been confined at Fort George, and, although not a principal in the Rebellion of 1798, was of consequence enough at that time to be selected as one of the most dangerous, whom it was necessary to confine until the end of the war. He was a man of a particular and an enthusiastic turn of mind: connected with several persons in the North of Ireland by an early political alliance, and with some of them by religious folly, he persuaded himself that he had influence enough to raise the Province of Ulster, or even a greater district.

Quigley was a man of mean condition, a bricklayer by trade, who had been confined with the State prisoners at Kilmainham gaol, and remained there until the end of the war; before which time all his fellow-prisoners, except five or six, had procured their enlargement on terms of transportation. Those who remained were considered to be of the most insignificant class; and, as they were obliged to leave

the country on their enlargement from prison, it was scarcely thought worth observing what became of them. Quigley and two others went to Paris, where he worked at his trade as a bricklayer.

Russel engaged his nephew, a Mr. Hamilton, a man who, it now appears, had served in the French armies, to join him* and measures were settled for the journey of the whole party to Ireland. Emmett and Russel reached Dublin early in the year. Hamilton gave Quigley and two others, his companions from Kilmainham, ten guineas each, to bear their expenses to Ireland. They proceeded as far as Rouen, where Quigley's two companions left him, and returned to Paris; he was, however, joined there by Hamilton, and they traveled together to Ireland, where they arrived early in the month of March. On their arrival in Dublin, they met Emmett, and the three together consulted on their future operations.

From that time it does not appear that they were joined by any others of the exiled Irish. Neither Emmett nor Hamilton were of this class, and they appeared here openly. The former was connected with a most respectable merchant in Dublin, who gave the strongest assurance of the proper demeanour of his relation.

The report of Russel's return attracted attention; and Quigley's having gone into the County of Kildare soon made his arrival public. Large rewards were offered for his apprehension, and repeated communications had with the gentlemen of the County on the means of having him taken. He remained but a few days in the county, and was afterwards secreted in the depot, which he scarcely at any time left until the rising in July, and, when he did leave it, it was only by night.

Reports were circulated that Rebels of 1798, of much greater consequence than those mentioned, had returned to the country. The elder Emmett, O'Connor, Macnevin, Lawless, and others, it was asserted, were here; it now appears that none of them were, and, had they been concerned, additional means would have existed by discovering the conspiracy which was then concerting, and which received its chief protection from the insignificancy of the parties engaged in it.

Mr. Emmett was a very young man; he had been expelled from the University of Dublin during the time of the Rebellion of 1798, for seditious practices: he fled from the country, and had not, until this year, returned. He conceived the design of providing arms for those whose assistance he relied upon; and, full of the opinion that the disposition to revolt was as strong amongst the lower orders of the people as in his own mind, he relied upon it that the whole would be effected, if he could secure a magazine from which, on a sudden, the mob might be armed. The scene of this exploit was fixed in Dublin; and, although he held communication with parts of Ireland more distant, it does not appear that they were organized, or that he had made connections with more than a very few of the Rebels of 1798.

Having a mind much turned to military affairs, and being a student in chemistry, he prepared a system of tactics, and at the same time, constructed machines (certainly complex and ill adapted) in which gunpowder was wrought into its most pernicious forms; but he seems to have neglected the more obvious and certain modes of giving force to an effort which could alone be made by the rudest and most inexpert hands.

For the purpose of forming this magazine, a warehouse was taken in a yard, in an obscure lane, in a populous but unobserved quarter of the city. A carpenter in Emmett's confidence was the ostensible proprietor; and in this yard and warehouse were prepared the pikes and ammunition which were afterwards to be delivered to the mob. Quigley, on returning from Kildare, where he staid only a few days, concealed himself in this depot, as it was termed, and was out of it only three

* "Hamilton came over to England late in November, 1802, or early in December. He went from thence to Ireland, and returned to France in January, 1803. He went immediately to Brussels, to meet T. Emmett and Macnevin. Hamilton returned again to Ireland in March, 1803, in company with Quigley. Emmett arrived late in January, Quigley and Hamilton in March, Russel early in the month of April."

or four times, until the insurrection broke out. But a very few were trusted with the secret of this depot (not more than eight persons), about one-half of whom remained constantly in it, working with their own hands in constructing pikes, and preparing other implements for the intended Insurrection.

While the favourite object of constructing this depot was thus forwarded by Emmett's zealous friends, he also made connections among the disaffected here, who were known to himself or to his brother on the former occasion. Soon after Lord Whitworth's return, in May, it was perceived that some cabal had commenced among men who were before suspected, and whose conduct soon attracted a stricter observation. One of this party held a direct communication with the Government, and meetings and conversations were often reported, but they led to nothing material; no organization nor system was attempted; no persons who could be seized and detained by law could be discovered, and nothing but general expression of hopes, and an increased rumor of danger, could be learned. At the same time, the reports from the country, with the exception of Kildare (and even from thence they were not bad), were of the most favourable kind; and, as far as it was possible to reason upon the apparent dispositions of the people, a revolt could not be considered as immediate, unless in the event of a successful attempt at invasion by the enemy.

It is manifest, however, that Emmett staked his whole game on the depot, and trusted himself but little to any but those concerned in it, who were very few in number. He lived himself a few miles out of town, towards the mountains, where he occasionally saw his friends from Dublin, and communicated with others, who were in connection with the Rebel Dwyer, in the mountains. He occasionally came into town, and visited the depot, but this happened very rarely, until the week preceeding the insurrection.

Another house was taken by a carpenter, where a few pike handles were made of a particular construction, and some combustible matter for rockets (and not gunpowder, as was at one time supposed); from hence such articles were conveyed to the grand depot; and from other places it would seem that ammunition was also sent there through the medium of a hostler of an inn which adjoined the depot, and who was admitted into their confidence. It is a matter much to be regretted, and almost complained of, that this depot was not early discovered by the immediate agents of the Government, or by the police. It can only be accounted for by the great secrecy with which it was conducted; that the persons admitted to it were closely attached to their leader or to his cause; that, living for the most part within side of it, they avoided observation, and that intercourse which, by the most accidental circumstances, leads to detection: but particularly Mr. Emmett had an advantage which few Conspirators are so fortunate as to possess—he had a command of money; his father died in December last, and left him a sum of about £2,000. This money was paid to him in March, and there is reason to think that the whole was expended before the middle of July. He was thus his own treasurer: he trusted only those whom he preferred, and he was not obliged to sell his confidence to those who subscribed a £20 or a £50, as was the case in the former Rebellion.

In the interval between March and July, there is scarcely a trace of any correspondence with France, of any thing to show that France was much concerned in what was going on here.

Much was asserted as to the existence of such an intercourse in the months of June and July; but the proofs of it are inconsiderable. Had such a correspondence been carried on, it would probably have been detected before it reached this country; it was not discovered in it.

Although it is sufficiently certain that Mr. Emmett had made connections with some persons not in the lowest orders of life, of this, however (with very few exceptions), no decided proof appears; and it has not been very easy to distinguish between those who, having been formerly partisans of a revolution in this country,

still bore good will towards it, and those who were actually embarked in the visionary projects of Mr. Emmett. This branch of the subject can not, however, here be fully entered upon, as the utmost extent of such connections is still to be ascertained.

In the counties of Ireland, with the exception of Kildare and Wicklow, it now appears that very few had been gained over by the Conspirators. In the North, it is evident that but little preparation was made. Russel distrusted many of his old friends, and did not apply to them. He soon discovered that, among the Protestants of the North, his plans met no encouragement; which made him resort to the Defenders, or Catholics, and his very limited success with them has been sufficiently exposed. According to Quigley's testimony, nothing had been done in Connaught. With the people of Wexford Emmett had had communications; he was offered support from but one Barony of that County, and he gave up the hope of a rising in that quarter. Both Emmett and Quigley concur in stating that Meath (a county by no means considered as secure) would not rise.

In the Midland Counties, and in Limerick and Cork, persons resided with whom Emmett communicated, and who were informed of the intended rising a few days before it took place. Little exertion, however, had been made to prepare for a rising in those places. These friends at a distance served as points of communication, while it would seem that the intermediate spaces had not been occupied? It was assumed, however, and positively not with sufficient reason, that, had the attack in Dublin succeeded, risings would have taken place in many other quarters.

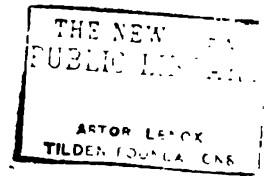
To aid the attack in Dublin, it now appears that only Kildare, Wicklow, and Wexford were relied upon. From the latter county Emmett supposed that 300 came in, but it does not appear in any way that such was the case. Dwyer, from Wicklow, was to have aided; but, by the mistake of a messenger, or more probably from doubts entertained by Dwyer of the success of the enterprise, no move took place in that quarter. From Kildare, many came into Dublin, as well as from the small towns which lay on that side of Dublin.

As Mr. Emmett's object was to effect a Revolution in Ireland, and to get possession of the country before the French should attempt an invasion, it was necessary for him to bring his projects speedily into action. An accident that happened in Patrick Street, which was a sort of workshop to the depot, did, however, accelerate the execution of his design. In a room, where some combustible matter was preparing a small quantity of gunpowder took fire, and the explosion attracted the attention of the neighbourhood. Of three men, who were in the room, two were considerably burnt, and one of them, in running his naked arm through a pane of glass, to let in air to prevent suffocation, cut himself so much that he bled to death. The cause of the explosion was not immediately understood: the neighbours were refused admittance to the house, and, before an officer of police was found to attend, ammunition and some machines were conveyed out of it. Of the former, a cask was stopped in the street by the watch, and rescued from them; every means was used to trace a connection between that house and the persons who were suspected, but without success. One man (whose attachment to the cause of the Rebels was well known to Government) was taken up, but, as he could not be detained, he was discharged. Incomplete as this discovery was, it excited considerable suspicion that an attempt at arming was in forwardness; and it may be thought that a search for arms, and the arrest of suspected persons, then became indispensable; but it must be recollected what general consternation such a proceeding would have excited, when there was no certainty of being able in the event to justify the measure; and it was still less expedient to arrest persons on suspicion, whose discharge must immediately have been procured by a Judge, as the Habeas Corpus Act had not at that time been suspended.

In the week which followed this explosion, Emmett determined to attempt an

REPRODUCTION BY ANNA FRANCES LEVINS

MICHAEL DWYER


THE NEW
ASTOR LENOX
TILDEN

insurrection. He sent into the country notices to this effect, and concurrent circumstances indicated that something was speedily to be attempted by the disaffected. All calculations founded upon the apparent disposition of the country, and preparation by the disaffected, of arms provided, of foreign assistance being at hand, were against the probability, almost the possibility, of such an enterprise; and testimonies were manifold against the near execution of it. However, towards the end of the week, accounts from the country corroborated what was conjectured in Dublin; but, as nothing could be ascertained farther than that the persons suspected, and whose names were for the most part known, met and conversed and talked confidently of success, without the object or execution of their design being in any degree ascertained; and the people in Dublin continued to be drunken, and idle, and unlike in their conduct in every respect to what they were previous to the Rebellion in 1798—at that period, many months were consumed in maturing the plans of the Rebels, and they had gone much farther in actual preparation than it was possible to conceive that those of July, 1803, had done—the vigilance of the country was now greater, its force was greater, and on no calculation did it appear that an attempt could be made pregnant with danger, or which could, on a sudden, without foreign assistance, produce more than a disorderly riot, and, at the most, by giving an increase of confidence to the disaffected, and certainly not less of alacrity to the loyal, have led the way to more serious conflicts at another time.

Although it appeared that in the country a knowledge of what was intended had spread, and that several persons at the end of the week had come into town, there was no account of any bodies of people, armed or tumultuous, having anywhere assembled; and could it be imagined that, with a garrison of three thousand men, the seat of Government, protected by seven hundred men, either within side the Castle, or within two hundred yards of it, a tumultuary attempt could excite dismay, or a doubt of its speedy suppression?

The arrival in town, in the course of the night of the 22d and morning of the 23d, of many people from the side of Kildare, and information privately given to Government, and which also flowed in from various quarters, left no longer any doubt that the attempt was to be made. The appearance of the people coming in from the country on Friday evening decided Emmett as to the course to be pursued on the next day.

He was by no means satisfied that his preparations were sufficiently advanced; he had spent all his money, and had not got a fresh supply; he was not confident as to the number of his men, and he wanted further time to complete his complicated machines. It was, however, too late to recede, and he decided upon a prompt effort against the opinion of some of his associates. At two o'clock on Saturday, the persons from Kildare on whom he most relied met him at an inn in Thomas Street. They required him to satisfy them as to his means of being able to go on with the insurrection; they required him to show them the firearms and the men, which he could not do, and, not being satisfied with a speech which he made to them, they quitted him, to return home to the country. Some remained behind, and many of the lower orders were mixed with the Dublin mob in the excesses of the night.*

At nine o'clock, as near as it can be ascertained, Emmett and his associates sallied forth from the depot in Mass Lane. Pikes were delivered out in large quantities from this secret magazine, but they wanted men and order, and a plan which was practicable with such raw troops and rude implements. Emmett and his party paraded with their swords drawn, and firing pistols in Thomas Street. He could count but eighty followers at the time he left the depot, and, when he reached the Market House in Thomas Street,

*"In another paper are stated the measures taken by Government during the day, the communications made to the military, and the unfortunate delay in bringing the troops to act against the mob, who remained in possession of Thomas Street and the adjacent passages, for three or four hours."

nearly the whole had deserted him, except about twenty. Upon seeing himself thus abandoned, he quitted the street, and, with ten or twelve of his lieutenant-generals and colonels, as he fancied to call them (himself and some others in green uniforms), he proceeded by Francis Street out of the town, and to the mountains.

The rabble whom he left behind, deserted by their leaders, armed themselves with pikes, and some two or three who remained among them assumed a command, and endeavoured to lead them to the attack of the Castle, from whence they were more than half a mile distant. That they did not obey was, perhaps, more from violence than choice, and, in an endeavour to rally them, they were carried back nearly to the spot from whence they first proceeded with arms. Here they met the carriage of the ever-to-be lamented Lord Kilwarden; others, who continued in the lane from whence the pikes were delivered, massacred the unfortunate Colonel Browne; and other murders were committed before the casual arrival of the party from Cork Street Barracks, by the fire of which they were routed from this disgraceful scene. The depot upon which Emmett had staked all his hopes, all his game, all his generalship, was, as might naturally have been expected, immediately detected, and pikes, arms, ammunition, machines, and rebel proclamations were discovered, without even an effort to protect them.

This depot in itself was extraordinary and almost formidable, but when it is considered how difficult it is to apply such a contrivance with effort to prepare for an Irish rabble a scheme by which they shall be armed from one spot, the difficulty of application, if it be kept secret, and the certainty of detection if it be not so kept, it appears to have been a most wild conceit, and failed of effect on the very principle of its absurdity. The contriver seems to have had no second plan, no mode of rallying—barely even a retreat for himself. The theories of his campaign vanished, and his disposition, which he complimented as being sanguine, might more properly be termed Quixotic.

Notwithstanding that the rein of disaffection was let loose, and the loyal subject for a while dismayed, it is consolatory to find that in so very inconsiderable a degree was the first burst of rebellion followed in other places, or by the continuance of outrage. What took place had the most terrifying and dismaying concomitants—weapons, ammunition, murders. What would be the last act of another conspiracy was the first of this; but, while much is due to the loyal and patriotic for the fortunate results of this most mischievous attempt, let us also entertain hopes that much is also due to the ameliorated disposition of our countrymen, who were frequently deceived from their allegiance, from their interests, from their religion, and their happiness, by the more systematic and not less mischievous partisans of Revolution.

Nov. 15, 1803. A. M.

Proceedings of the Disturbance Which Broke Out in Dublin on Saturday Evening, July 23, 1803.

Between the hours of seven and eight o'clock in the evening, having received information that a rising would take place in the course of the night, I repaired to Mr. Marsden's office, and communicated to him the information I had received. He told me that Government had received similar information, and that every precautionary step was taken. I then repaired to the parade ground of the Loyal Dublin Cavalry (of which I am a member), in order to collect our troop, and not being able to succeed, from a number of our men being absent, I returned to the Castle about the time that Miss Wolfe came in. I waited on Mr. Marsden, and offered my service, if necessary, as a magistrate, which was accepted of; and, accompanied by Major Gordon, one of his Excellency's aides-de-camp, I rode to the barracks, and brought out a detachment, consisting of fifty men of the 32d Regiment of Foot (to the best of my recollection it was about the hour of eleven o'clock). We proceeded up Dirty Lane. The night was uncommonly dark. At the end of Marshall Alley was one of those machines called infernals, and one or two more were placed in Dirty Lane. At the upper end, and within a few doors of Thomas Street, lay

the body of Colonel Browne. We joined the main party under Colonel Hyde, of the 23d, who reported that all was quiet. Patrols of the 16th Light Dragoons constantly coming in. I then took out two detachments, and proceeded to search the lanes and alleys leading from Thomas Street, Dirty Lane, etc. One party, consisting of some Regulars, a party of the barrack division, accompanied by Lieutenant Coltman, etc., etc., patrolling down Marshall Alley, saw a hackney-coach standing at a warehouse door. There were a few pikes at the door, and in the coach several articles of treasonable appearance. They immediately broke open the door and discovered a complete military depot. The account in Saunders's paper of yesterday is, to the best of my judgment, nearly correct. On the discovery, the party gave three cheers. I was at that time in a timber-yard in Bonham Street, searching for a fellow who had escaped into it with a pistol in his hand, as I was informed. He was taken into custody. No arms were found on him. Not knowing whether the party that gave the cheers were friends or enemies, I collected my party, and proceeded from Bonham Street up Dirty Lane. At the corner of Marshall Alley, the guard informed me of the depot which had been discovered. I immediately repaired there, and at the break of day it was discovered that the warehouse was shorter within by several feet (about eight), than the external appearance of the building. The partition wall was broke through, and in the intermediate space were discovered several floors full of pikes, mattresses, blankets, ammunition, &c., &c. In this partition wall were curiously hung several divisions of the wall for the purpose of taking out and depositing arms, impossible for a person unacquainted with it to observe. I repaired to the front house in Thomas Street; there was no appearance of any communication with the house and the warehouse; in the back yard of the house was a quantity of shavings. Under them we found several pikes, &c. A small office at the rear of the house had the appearance of being occupied for the purpose of making powder; and, indeed, I think it scarcely possible, that the business could have been carried on without the privity of the inhabitants of the house, inhabited by Roberts, a paper-stainer. The remainder of the morning was spent in forwarding the ammunition, &c., to the barracks, patrolling and searching the houses in that neighbourhood for arms, men, &c. Too much praise cannot be given to the officers and soldiers, for their steady, cool, and regular conduct.

Given under my hand, this 30th August, 1803.

FREDERICK DARLEY,
One of the Aldermen of the City of Dublin.

The following is supposed to be a clipping from a cotemporary Dublin newspaper, and is of interest as showing how little truth was allowed to reach the people:

MARTIAL LAW.—EMMET AND OTHERS EXECUTED

The privy council issued a proclamation, calling on the magistrates to unite their exertions with those of the military power, and offering a reward of one thousand pounds for the discovery and detection of the miscreants who murdered Lord Kilwarden. A reward was also offered to those who should discover the murderer of Colonel Browne; and a notice was issued by the lord mayor, requiring all the inhabitants of Dublin, except yeomen, to keep within doors after eight in the evening. At the same time, bills for suspending the habeas corpus act, and for placing Ireland under martial law, were passed with uncommon rapidity through their different stages, in the parliament of the united kingdom. Arrangements were also made for sending large bodies of troops from England, and every measure which prudence could suggest was immediately adopted, for the preservation of the public tranquillity. On this occasion, the Roman catholics, with lord Fingal at their head,

came forward in the most loyal and patriotic manner, and, after expressing their utmost abhorrence of the enormities committed on the twenty-third of July, made an offer to government of their assistance and co-operation. By these and similar exertions the flame of rebellion was completely extinguished.

A special commission being issued for the trial of the rebels, Edward Kearney, a calenderer, and Thomas Maxwell Roche, an old man nearly seventy years of age, were executed in Thomas Street, the focus of the insurrection, and several others experienced a similar fate; but the most important of these judicial proceedings was the trial of Robert Emmett, Esq., who was arraigned on the nineteenth of September, and found guilty on the clearest evidence. On the following day this misguided young man, only in the twenty-fourth year of his age, was executed on a temporary gallows in Thomas Street. In the ensuing month Thomas Russell also expiated his offences under the hands of the executioner. Coigley and Stafford were arraigned on the twenty-ninth of October; but, in consideration of their having made a full disclosure of all the circumstances connected with the conspiracy, no further proceedings were had against them, or any of the remaining prisoners.

Probably one hundred Catholics to each Protestant were in sympathy with Robert Emmet and his movement, and yet religion was in no way connected therewith.

According to this article the English were merciful! As a matter of fact every Irishman who could be taken prisoner was promptly murdered, and but few detained long enough to go through the form of being condemned by a packed jury and a "hanging" judge. In no human strife known to history were there ever so many innocent men, women and children put to death by Government officials, and irresponsible individuals who were known to be loyal and who wished to lend a helping hand. Nothing during the French Revolution ever equalled the "Reign of Terror" in Ireland. The slaughter there finally ceased simply from surfeit, after an unrestrained exhibition of every barbarity and cruelty, except cannibalism, which is practised by the most uncivilized tribe on earth.

The writer places on record this statement strictly in accord with the evidence and the substantiation is so clear-cut and beyond question that those who are in doubt and ignorance obviously do not care to know the truth.

Be governed by your knowledge and proceed in the sway of your own will.

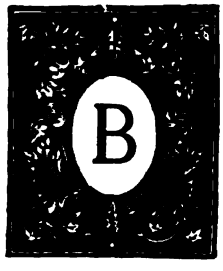
Shakespeare.

Hereditary hatred, therefore, and sense of injury, had always conspired with national pride and patriotism, to make them adverse to that country, and enemies to British connections.

T. A. Emmet.

Chapter XI

Emmet's arrest due to betrayal—Major Sirr informed of signal for admission to house—Uncertainty as to informant, but suspicion points to Leonard M'Nally—Details of Emmet's arrest—His attempt to escape—Sirr at first unaware of whom he had arrested—Emmet gives name of Cunningham—Mrs. Palmer gives his name as Hewitt—Sherlock, in sketch of Robert Emmet, refers to betrayal—Letter to "The Nation" attributes it to Richard Jones, absentee landlord, who received £1,000 ($5,000) for betraying secrets to Government—Possibly learned from Mason, Emmet's cousin, tenant on Jones' estate, who divulged secret, unconscious of consequences—Engaged on proclamation and letter to Government when Sirr appears —Mrs. Palmer's deposition in Wickham's report to Home office.—Wickham's letter to Pole Carew, forwarding deposition—Emmet's faculty for changing handwriting makes Government doubtful of obtaining conviction—Seven points of evidence relied on and fact that name Hewitt not inscribed on house-list as required by Insurrection Act—John Philpot Curran requested to act as counsel—Sarah Curran's letters, Nos. 1 and 2.



BEYOND doubt some close friend of Emmet betrayed to Major Sirr the house in which Emmet was concealed. Only two or three individuals, and these his personal friends, were aware that he was in Ireland. There can be no doubt that one of these supposed friends informed Sirr concerning the manner in which his friends were to rap on the door to gain immediate admission, and he availed himself of the knowledge to advantage. This information Emmet would have been most likely to have communicated to his friend, Leonard M'Nally, who had long been a spy in the employ of the English Government, of which fact, however, Emmet had not the slightest suspicion. Anne Devlin told Dr. Madden that while she was a prisoner in Kilmainham gaol she overheard a conversation in which the statement was made that Emmet had been betrayed by a man who had paid him a friendly visit that morning. It is unknown on what foundation Dr. Madden stated that the man who betrayed him was named Lacey, and he seems to have been ignorant of M'Nally's visit the same morning. After having for years thought Malachy Delaney was the guilty one, he changed his belief. Without the slightest positive information beyond a knowledge of the man, the writer believes that M'Nally was the traitor, since, according to the tradition, he was

the only visitor Robert Emmet saw on the day of his arrest, until the arrival of Major Sirr. Tradition might well be at fault through the failure of the little girl who opened the door to have reported to her mother the visit of another.

During the evening of August 25th, while Robert Emmet was writing in the back room, or was just seated at dinner, and in the presence of Mrs. Palmer, the owner of the house, Major Sirr and one of his men suddenly stood at his side and seized him. In consequence of the accurate knowledge gained by Sirr as to how he was to knock, he was immediately admitted as a friend by the young girl, who was pushed aside as he walked into the back room and laid his hands on the prisoner before he was aware a stranger was in the house. Had Sirr been delayed for a moment at the front door, Emmet could have escaped through an open window at his side. Sirr asked his name and how long he had been in the house; he answered that Cunningham was his name, and he had arrived only that morning. Sirr then went out into another room to question Mrs. Palmer, who gave his name as Hewitt, and said that he had been with her for several weeks. Hearing the noise of a struggle as the prisoner was attempting to escape, Sirr left her, and finding that Emmet was already securely handcuffed and bleeding from a wound in the head, where he had been struck with the butt end of a pistol, Sirr offered an apology, being as yet unaware of the identity of the prisoner. The answer from Emmet was, "All's fair in war".

The identity of the betrayer of Robert Emmet is still such an open question that even the most improbable evidence must be preserved. Thomas Sherlock, in his sketch of Robert Emmet (Dublin, 1878), gives "The Betrayal of Robert Emmet", in the Appendix, as follows:

> On page 16 of the foregoing narrative reference is made to the difficulty that lay in the way of identifying the actual betrayer of Robert Emmet. After the printing off had taken place, the startling letter given below, which throws a new and horrible light on the subject, was sent to the editor of "The Nation", with permission to give it publication. St. John Mason, the relative of Emmet alluded to, was incarcerated with him in Kilmainham jail and detained there for over two years [many years] after the soul and body of the young patriot had been violently sundered. In 1811 Mason procured an official inquiry concerning his own arrest, the documents in connection with which have been published by Dr. Madden [and also in this volume]. So late as 1842 the same Mason wrote to "The Times" an account of the efforts made to effect Emmet's escape from Kilmainham, in which efforts Mason was an intermediary; and on that occasion he travelled out of his way to eulogise the character of the strangled patriot. It is but just to remark here that the official records represent Mason as having been arrested at Nenagh in the first week of August, 1803; and if these records can be relied on he could not have been Emmet's betrayer unless allowed out of prison for the express purpose.

Mason was subjected throughout his imprisonment to the most brutal treatment in consequence of the active part he took in Kerry against the Union. On the other hand, there is some probability in the theory that he was allowed out. Richard Jones figures in the Secret Service list of the time as the recipient of £1000—the largest sum obtained by any of the informers of 1803:

SIR:—In the course of some searches which I made about two years ago into the history of a small estate in the county of Kerry, on which the Emmet family had claims, I found, to my surprise, that the landlord-in-chief was a Mr. Jones, a non-resident in the county, whose name, probably, was not known to half a dozen persons in it. Remembering that Mr. Fitzpatrick and Dr. Madden, in their interesting volumes, had both said that the person who received the thousand pounds through Finley's Bank for the betrayal of Emmet's hiding place to the Government, was a gentleman whom they could not identify, named Richard Jones, I was thoroughly inclined to think that he was the absentee Kerry landlord above mentioned, for his share in the discovery of Emmet, since he [Mr. Jones] and all his family were open opponents of the United Irishmen, and openly devoted to the Government. They were upright and honourable men who upheld the cause which they believed to be right. Of course all the odium would rest upon Emmet's relation who gave the information. The only thing that can be said for him is that, if he did really sell the secret to his landlord, I believe that he did so believing that Robert Emmet would not have been hung, but would have been permitted, after a term of imprisonment, to join his brother in America. It was one of the most disgraceful and cruel blots on the government of the day that the unhappy enthusiast was not thus mercifully dealt with. I am, Sir, yours truly,

MARY AGNES HICKSON.

July 17, 1878, 6 Lower Castle Street, Tralee.

It is impossible for any one bearing a tie of relationship to Mason and knowing how close a bond of affection had existed from their earliest childhood between these two first cousins, to believe that there could be the slightest foundation for this charge. The children of Dr. Emmet passed every summer in Kerry with their Uncle Mason, and as intimates and companions of St. John. He was like a brother to Robert Emmet, particularly as they were nearly of the same age.

At one time it was reported that a member of the Curran family gave first knowledge as to Emmet's hiding place. This report may have been put into circulation by M'Nally, to divert suspicion from himself after he had availed himself of the information. M'Nally became particularly intimate with both the father and daughter, and seemed to sympathize greatly with both. He may, therefore, with his rascally dexterity and personal influence, have obtained from Miss Curran some clue as to Robert Emmet's place of abode, as he would naturally have suspected that she, if any one, was in possession of this knowledge. He would next have visited Emmet and have given Sirr the information on the same day.

In the "Gentleman's Magazine", obituary notices, 1833, first column, page 90, part 2, it is stated:

June 24, 1833, at Ballymaine, Co. Dublin, aged 103, John Doyle, known by the name of "Silly Jack", the man who, if report be true, betrayed the unfortunate Robert Emmet; for which it is said he received £2,000, secret service money, and two guineas per week, until the short administration of the Duke of Bedford ceased, when that gratuity was stopped.

Whether or not this man Doyle had anything to do with betraying Emmet's place of concealment, this is the first time that any one of the name of Doyle

has been mentioned as having personal association with Robert Emmet. It is, however, of interest to state that a person of this name is mentioned on the "Devil's Brief" among the witnesses who were to testify on Emmet's trial. He was known to have been one of Sirr's "Battalion of Testimony", trained and kept for the purpose of bearing false witness, but as he was to testify as to Robert Emmet's appearance and manner, in order to prove his identity with the prisoner, the indication would seem to be that there must, at some time, have been a personal relation between them.

For several days previous to Robert Emmet's arrest at Mrs. Palmer's, Emmet had been engaged in preparing a paper he intended to send to the Government, hoping to be the means of checking, at least, the unjustified and irresponsible slaughter of innocent persons which was being carried on all over the country, without even the form of trial, with a packed jury and perjured evidence. At the moment of arrest a draft of this paper, which he had been either reading or drawing up, was found on a chair beside him.

Its purport was as follows:

It may appear strange that a person avowing himself to be an enemy of the present government and engaged in a conspiracy for its overthrow, should presume to suggest an opinion to that government on any part of its conduct or could hope that advice coming from such authority might be received with attention. The writer of this, however, does not mean to offer an opinion on any point on which he must of necessity feel differently from any of those whom he addresses, and on which, therefore, his conduct might be doubted. His intention is to confine himself entirely to those points on which, however widely he may differ from them in others, he has no hesitation in declaring, that as a man he feels the same interest with the merciful part, and as any Irishman with at least the English part of the present administration; and, at the same time, to communicate to them in the most precise terms, that line of conduct which he may hereafter be compelled to adopt, and which, however painful, it must, under any circumstances, be, would become doubly so if he was not conscious of having tried to avoid it by the most distinct notification. On the two first of these points, it is not the intention of the undersigned, for the reason he has already mentioned, to do more than state, that government itself must acknowledge that of the present conspiracy it knows (comparatively speaking) nothing. That instead of creating terror in its enemies or confidence in its friends, it will only serve, by the scantiness of its information, to furnish additional grounds of invective to those who are but too ready to censure it for a want of intelligence which no sagacity could have enabled them to obtain. That if it is not able to terrify by a display of its discoveries, it cannot hope to crush by the weight of its punishments. Is it only now we are to learn that entering into conspiracy exposes us to be hanged? Are the scattered instances which will now be brought forward necessary to exemplify the statute? If the numerous and striking examples which have already preceded were insufficient, if government can neither by novelty of punishment nor the multitude of its victims, impress us with terror, can it hope to injure the body of a conspiracy so impenetrably woven as the present, by cutting off a few threads from the end of it!

That with respect to the second point, no system, however it may change the nature, can affect the period of the contest that is to take place; as to which the exertions of the United Irishmen will be guided only by their own opinion of the eligibility of the moment for effecting the emancipation of their country.

That administration—cetera desunt.

There were other documents or proclamations found in the depôts which will be given in the account of the trial, and in the Appendix. (Note XX.)

William Wickham, the Irish Secretary, in his official report, sent to the Home Office on August 28th, gives the following from the deposition of Mrs. Ann Palmer, the lodging-house keeper at Harold's Cross.

About four weeks ago Robert Emmet took lodging in her house, and remained there until he was arrested by Major Sirr. On his coming to the house he was dressed in white cashmere waistcoat and breeches and a black stock and boots. He told her that he had lately a very handsome uniform coat with a handsome epaulette, but the coat he wore on coming to her house, and which he continued to wear there, was a brown coat. The name he assumed was Hewitt, and every person who called to see him inquired for him as Mr. Hewitt. When she directed her son to make out a list of the inhabitants of the house, to post on the door, as the Insurrection Act directed, Emmet requested her to omit his name, as he intended to stay in the house but a day or two. He also told her that he was concealing himself on account of the troubles; and that in case of any alarm at the front door of the house he would escape out of a back window, and hide himself in a corn-field at the rear. He told her that the killing of Lord Kilwarden had shocked his heart; that he had left Thomas Street before it occurred; and that any one that saw the Rebel Proclamation knew there was an order in it against such crimes. The only thing she heard Emmet lament, relative to the Rebellion, was the death of Lord Kilwarden. She had often seen him write. He was in the habit of writing different hands, sometimes larger and sometimes smaller.*

Wickham's letter to Pole Carew, secretary to Charles Yorke, forwarding Mrs. Palmer's testimony, is as follows:

SECRET AND CONFIDENTIAL.

DUBLIN CASTLE,
28 AUGUST, 1803.

MY DEAR SIR:

I send you enclosed copies of the two depositions that affect Emmet the most materially. Mrs. Palmer was owner of the house in which Emmet was taken—the other deponent is her son. This information was not obtained until the close of a very able and judicious examination of these two persons, which lasted from twelve at noon till past six. It was conducted by the Attorney-General, in presence of the Chancellor, myself, and Mr. Marsden.

Mr. Yorke will observe that Mrs. Palmer says that Emmet wrote several different hands. This is unfortunately too true; and if the prosecution against him should fail, it will probably be owing to his act in changing frequently his manner of writing. We cannot, I fear, convict him without producing *as his handwriting* different papers written *apparently* by different persons.

Those who know his handwriting in better days cannot say that they believe the papers of which we are in possession to be written by him. He was very much beloved in private life, so that all the friends of his family, even those who abhorred his treasons, will be glad of any pretext to avoid appearing against him, and we shall be left, I fear, to accomplices in his own guilt, who will give most reluctant testimony against the man who was considered as the chief of the conspiracy.

The only evidence that could at present be *produced* against him is what follows:

1. The original draft of the printed proclamation found *in his handwriting* in a bureau, in which bureau was also found a letter signed Thomas Addis Emmet, written from abroad, directed to Mrs. Emmet, but beginning "My dear Robert", and

*From Home Office Papers, labelled, "Ireland, Private and Secret, 1803".

from the context evidently addressed to Robert Emmet. This bureau was found in the great depôt of arms in Bridgefoot Lane [depôt off Thomas street].

2. An unfinished draft of a letter, of which I send a copy enclosed, found in the room where he was taken in the same handwriting as the draft of the Proclamation. The writer of this letter avows himself to be a rebel.

3. Letters found in the same bureau with the draft of the Proclamation, *evidently* written by him, but in a different handwriting from that which he used when writing the two last-mentioned papers. These letters could unquestionably fix upon him the possession of the bureau, but on account of the dissimilarity of the handwriting it will probably be thought prudent not to produce them.

4. A letter found upon him, a copy of which I will enclose which clearly proves him to have been one of a party engaged in a conspiracy against the State.

5. The circumstances of his flight, his concealment, his dress (military all except the coat) and his attempt to escape when apprehended.

6. The evidence of the two Palmers. 153-3. The question of bringing forward secret information has been well considered and discussed, and there is but one opinion on the subject, viz., that it were a thousand times better that Emmet should escape than we should close forever a most accurate source of information.

7. A material cipher, copy of which I enclose, found also in the bureau addressed to R. E.

I am sorry to have to add that there is strong reason to believe that a young man, most respectably connected, of the name of Patten, nephew of Mr. Colville, the late governor of the Bank, is deeply implicated with Emmet. He is in custody, having been committed for refusing to answer questions respecting his knowledge of the place of Emmet's concealment.

A man of the name of Farrell, who was in the depot and whose examination, I also enclose, refused to identify Emmet.

The above are the strong points of the case against Emmet, *as it now stands.* There are others of apparently less moment that may, by possibility, produce still stronger and more direct evidence than any of which we are now in direct possession. I shall receive the Lord Lieutenant's command to write to you on that part of the case from time to time, as we shall make any effective progress in our inquiries.

Emmet was certainly the proprietor of the depot, and lived there occasionally for some time before the breaking out of the Insurrection.

It will not escape Mr. Yorke's observation that the information we have received of the refusal of the people to act on the late occasion, and of the difference of opinion with respect to the time of rising, is confirmed by the letter found upon Emmet. The expressions used as coming from a person evidently of consideration among the disaffected are very striking. "The people are incapable of redress and unworthy of it. This opinion he is confirmed in by the late transaction which he thinks must have succeeded but for their barbarous desertion and want of unanimity".*

P.S.—A material fact against Emmet is his having desired that even his assumed name of Hewitt should not be inserted in the list of persons inhabiting Mrs. Palmer's house, which, under the provisions of the Insurrection Act, she was obliged to affix to her door. We are, besides, in possession of the list, in which Emmet's name is omitted.†

Emmet retained for his defence John Philpot Curran, the ablest advocate of the day, and the father of his sweetheart. Curran was an intimate friend of the Emmet family, and knew Robert well; but he was absolutely ignorant

*Not the slightest intimation, however, is given as to how far the Government's agents may have been responsible for this want of unanimity. A most significant acknowledgment in proof that Emmet was surrounded by English agents and spies.

† From "Ireland, Private and Secret, 1803."—*Home Office Papers.*

of the relations between his daughter and the plotter and leader of the late Insurrection. The news came to him in a dramatic manner, and with crushing effect.

The letters which, as Wickham says, were found in Emmet's possession when arrested, were in a lady's handwriting. As they showed that the writer was in the closest confidence of Emmet, the Executive were most anxious to discover her identity, but all their investigations to that end were baffled until an extraordinary act of indiscretion on the part of Emmet revealed her as Sarah Curran. The letters, the originals of which are deposited in the Home Office Papers, "Ireland, Private and Secret, 1803", are as follows:

SARAH CURRAN TO ROBERT EMMET—LETTER No. I

I have been intending these many days past to write you a few lines, but was really incapable of conveying anything like consolation, and altho' I felt that there might have been a momentary gratification in hearing from me, I feared that the communication of my feeling would only serve to irritate and embitter your own. Besides this, I felt a degree of reluctance to writing which after what has passed, may be rather inconsistent, but which is increased by considering the extent of the risque I run, as well as by the breach of propriety it occasions.

I do not know whether to consider it as a circumstance of congratulation, or rather an aggravation of my unhappiness, that I cannot apply to myself the proverb which says that the first step alone costs us anything; but I can say with truth, whether the acuteness of my feelings be fruitlessly afflicting, or ultimately salutary in their effects, that hitherto with me every subsequent departure from duty has been attended with that self-reproach which is generally attached to the first breach of it. These sentiments alone interrupt the satisfaction I feel in sharing every anxiety with you, and of preserving to you, in spite of other mischances and disappointments, the consolation of a friend.

And such is the perfect confidence that I feel subsists between us that I have no fear of misconstruction on your part of any uneasiness I feel. On the contrary, I know you share it, and cannot think it blameable. At all events, I wish you to know me exactly as I am. I cannot bear to conceal anything from you; and at some future time, perhaps, when your opinion of me should be more influenced by judgment than any partial feeling, I should wish you to recollect that the violation of promise or duty brought most abundantly with it its punishment; and that at a time even when I was sunk by disappointment, without hope or future prospect of comfort, I almost shrunk from availing myself of the only consolation which still remained, altho' the one I prized above every other—that of sympathizing with you, and endeavouring to atone for what you had lost. After all, in looking forward to any circumstance that might ultimately unite us, should we not, like the rest of the world, judge by the event; and those sentiments which I am now forced to consider as a perverse inclination, not fed by any rational hope but rather strengthened by disappointment, I should then hold forth to myself as the triumph of resolution and constancy over temporary disaster and opposition.

I am afraid you heard no very gratifying account by the last express of my health and spirits. I was so certain of hearing from you early in the day as she had promised that I concluded the poor greyhound was lost or, still worse might have been found. Altho' I may laugh now, I assure you I then feared the worst and was never more unhappy. I shall never forget the sensation of agony I felt while read-

ing your letter. I assure you that my head suddenly felt as if it was burning and for a few moments I think I was in a fever. As for your letter, I did not understand it at the time, and had only a confused idea that you meant to leave the country for ever, as your mother wished it. You must therefore attribute to mental derangement my wish of seeing you at present. Do not think of it unless it might be done with safety, which I think impossible. At any rate, in the present circumstances is it not wiser to limit myself to the gratification of knowing you are well and safe?

I should wish particularly to know from you how matters stand at present (if you would not be afraid); particularly what are your hopes from abroad and what you think they mean to do, and whether if they pay us a visit we shall not be worse off than before—which I hope you understand, is not, as he was formerly called "sorry cur". I believe he would lay down his life as freely as if it were a counter, if it would benefit this country. He is very desponding, however, and says the people are incapable of redress, and unworthy of it. This opinion he is confirmed in by the late transaction which he thinks must have succeeded, but for their barbarous desertion and want of unanimity. As to the French invasion, he thinks it may not take place at all, and their plan may be to wear down the English by the expense of a continual preparation against it which must end in their destruction. This, however, must be all conjecture. He thinks the quiet here is merely temporary.

I had about forgot to mention the letter I so officiously wrote to inform you of the honour intended your country residence by his Majesty's troops, which I suspected the day before it happened; and having with my usual sapience written the letter and mentioned in the outside cover the number of our house and name of street *for fear of any mistake,* I only waited for an ambassador, when unfortunately for Homer he presented himself and was unlucky to be trusted. As he approached the bridge, seeing what was going forward,—about nineteen people whose pockets were searching—he committed his precious deposit to his boot, and marched up to the gate like another Achilles, vulnerable only in the heel. His pockets were soon turned inside out, where, to use an elegant phrase, the devil might have danced a hornpipe without kicking his shins against a halfpenny. His Horâce was taken for the inspection of Government, and he was sent back in disgrace.

I forgot to tell you that the evening before, he had been in the country where he quite domesticated himself. He waited for two hours in great anxiety for the return of the *young lady* he wished to see, and whom, upon a minute inquiry, he acknowledged he should not know. The only regret of your worthy representative is that he did not put him to some easy death upon the spot, and try perhaps how the bones and body of a spy would answer your cherry-trees. In this case he may more easily take the will for the deed, as his pilgrimage here upon earth will be considerably shortened by the treatment he experienced from both parties, and I should consider any interval of tranquillity as a lightning before death.

I hope you are not angry with me for writing so much about him; but you ought to be obliged to me for making you laugh—*malgré vous.* I believe you will find out that I began and ended this letter in very different moods. I began it in the morning, and it is now near two o'clock at night. I passed the house you are in twice this day, but did not see you. If I thought you were in safety I would be comparatively happy, at least. I cannot help listening to every idle report; and although I cannot suppose that the minute events which occur now can materially influence the grand and general effect in view, yet my mind is risen or depressed as I suppose them favourable or otherwise. I cannot tell you how uneasy I shall be until I know if you have got this. Let me know immediately. *I request you to burn it instantly.* I shall expect a letter from you to tell me if you are well and in spirits. Try and forget the past, and fancy that everything is to be attempted for the first time. I long to know how your wife and ten small children are. Good-bye, my dear friend, but not forever. Again I must bid you burn this.

SARAH CURRAN TO ROBERT EMMET—LETTER No. II

I know so well by experience the pleasure of hearing in any way from a friend that I have not resolution to deny it to you, while I have it in my power. I feel myself cheered even by the sight of your handwriting, and find more consolation from your letters than from any effort of reason on my mind. Your last, particularly, made me quite happy when I received it. You know I can laugh at the worst of times.

Since that, however, I have had new causes for anxiety—one fills me with apprehension, the return of ———* from England, which I expect soon. I have not entirely resolved how to act yet, and fear I shall not have magnanimity of mind enough to abide by the consequences of the conduct I have chosen. The more I consider this alternative I see it unproductive of anything but humiliating reproach to myself. The other, tho' not so dangerous, is scarcely less odious. It is placing my whole reliance upon his opinion of my integrity hitherto, and not questioning me at all or, if he does, giving me credit for candour I do not possess. I have heard of a report that you and he had left for Dublin at the same time, which I think may be very injurious to him. Perhaps, however, I may be alarming myself causelessly.

I long to hear from you again, and hope the messenger will have a letter if she comes this day. I hate to desire you to destroy my letter, as I know I should find some difficulty in complying with such a request from you; but I think it very unsafe for you to keep it. At all events you ought to be tired of it by this time; besides you may keep this instead of it. I believe it is from the same principle that the oldest child is always the favourite that I would not give up your last letter for all the others. Do not let this be any encouragement to you. Indeed, I see plainly you are turning out a Rebel on my hands, but be assured that if I could lay hold of my handy work, as you call it, it should be anything but a moment of delight to you.

I must not forget to tell you that I have heard a great many things lately which in your great wisdom you would not tell me of, which adds to my resentment, and I long to see you for the purpose of mortifying you. I enclose you a bit of ribbon which was not originally intended for a willow, but which may break with dumb eloquence the tidings of my inconsistency. I intend shortly to make a worthy man happy with my heart and hand, which unhappily for you do not always go together.

Adieu my dearest friend, I hope you will forgive my folly and believe me always the same as you would wish. I am quite well, except that I sleep badly. My thoughts are running almost equally on the past and future. I remember when I was a child finding an unfailing soporific in the 29th Psalm, which except my prayers, was the only thing I had by heart. It had this advantage of anything an apothecary's shop affords, that its effects increased every time instead of growing weaker.

On the cover of this letter, Miss Curran writes:

I am very uneasy about the Poems I wrote for you. There were initial letters under them all. Tell me if there is any danger of the writer?

*The name in the letter was carefully scratched out, evidently with a pen-knife, but whether by Emmet or by the authorities it is impossible to say.

Ireland, a Catholic country has, by its conduct, contradicted the frequently repeated dogma, that Catholics are unfit for liberty.

T. A. Emmet.

I deny that Cork will obtain any durable accession of wealth from the Union, commerce may animate that city, but the wealth which results from that, will not remain in the bosom of Ireland, it will be poured into the lap of Britain.

Miss Emmet.

Chapter XII

Emmet's secret examination Aug. 30—Executive still ignorant of identity of writer of paper found on Emmet—Gives name as Robert Emmet at examination—Then declines answering further questions—Is informed he was sent for to explain suspicions as to late conduct—Obliged for opportunity given him, but persists in declining—Aware unfavorable conclusion will be drawn—Cannot commit breach of confidence—Questioned as to stay in France, about Insurrection, movements in Dublin, changes of clothes, handwriting, the Proclamation, letters found on him by Major Sirr—Steadily refuses to incriminate writer of letters in woman's writing—Questioned on depôts—Examination returns to question of letters—Will not make disclosures—Executive believe them written by his sister as love letters to deceive Government—Only person he consents to name is an Englishman, Counsellor Burton—MacDonagh's estimate of Sarah Curran—Did not realize possibilities of her writing—Dr. Trevor writes of Emmet's anxiety about a "particular person"—After examination Emmet writes Chief Secretary, asking suppression of Sarah Curran's letters and makes offer consistent with duty—Executive reply they will consider any statement, but refuse to make binding conditions—Madden speaks of attempt to rescue Emmet from Kilmainham.—Quotation from "Viceroy's Post Bag" tells of attempt by St. John Mason to bribe Dunn the turnkey—Dunn reports to Dr. Trevor—Continues to act as intermediary betraying all to Trevor—Emmet's note to Mason—On Dunn telling him escape hopeless, writes letter to Sarah Curran—Unsuspiciously gives it to Dunn—Within an hour in hands of Chief Secretary—Reveals all Executive want to know—Text of letter—On Sept. 8 Chief Secretary notifies J. P. Curran of intention to search house and arrest daughter—Reports proceedings to Home Office—Curran absent during search—Melancholy scene during which Miss Curran destroys papers—Chief Secretary satisfied Curran acted fairly towards Government—On return Curran learns for first time of his daughter's relation to Emmet—His conduct as disclosed in Hardwicke Correspondence despicable—Rushes to Castle in mad rage—Sees Standish O'Grady, Attorney-General—Vituperates Emmet—Denounces his daughter—Offers person and papers for examination—Appears before Privy Council—Dismissed without stain on character—The King practicularly pleased with management of affairs—His comment in letter to Viceroy—Emmet's despair.

ON August 30, Emmet was brought before Redesdale, the Lord Chancellor; Wickham, the Chief Secretary; and Standish O'Grady, the Attorney-General, for secret examination, as was the custom in those days in the case of prisoners charged with high treason. At this time the Executive were ignorant of the identity of the writer of the papers found on Emmet. The following report of the examination is deposited in the Home office Papers:

Attorney-General.—What is your name?

Emmet.—Robert Emmet. Having now answered to my name, I must decline answering any further questions.

Informed that he was sent for that he might have an opportunity of explaining what appeared suspicious in his late conduct.

Is sure it is meant to give him the opportunity, and is much obliged, but must still persist in declining. At the same time wishes it to be understood that there is nothing which could come within the limits of this society to ask him which he could not answer with pride. It might be a breach of confidence unless the limit was laid down; but if he once began there could be no stop. If he answered one and not others he would draw an invidious distinction, which he would not wish to do. Is aware that an unfavourable conclusion must be drawn. Hopes that no unfavourable conclusion can be drawn as to the point of honour. Has laid down this rule to himself.

Have you been in France within these two years?

I have already mentioned that I stop the examination.

Where did you first hear of the Insurrection?

I decline answering any question.

Had you any previous knowledge of it?

Same observation.

Were you in Dublin that night?

Same answer.

Have you corresponded with any persons in France?

No answer.

It is unnecessary then to put any question?

Certainly.

Why did you change your cloaths?

Asked Dr. Trevor's permission to borrow cloaths.

(Major Sirr said of St. John Mason)

It would be infringing on the rule already laid down to go any further.

Are you acquainted with a person of the name of Howley?

Same answer.

Have you gone by the name of Hewitt, of Ellis, or Cunningham?

Has only to mention what he has already said.

Are you inclined to answer as to your handwriting?

No.

Did you ever see a Proclamation purporting to be a Proclamation of the Provisional Government?

I have only to make the same answer.

Have you seen the same in manuscript?

I have only to make the same answer.

Have you seen the same in your own handwriting?

Same answer.

By whom were the letters written that were found on your person?

As to the letters taken out of my possession by Major Sirr, how can I avoid this being brought forward? Cannot say whether they were committed to my care or not. Would not say but they might be delivered to keep, or unopened. Would wish to give the benefit of those letters without making public by whom written. If the letters were years in his custody—suppose a friend left those letters on a sudden. May I ask if the name of the writer might be mentioned to me? May I know by what means those letters may be prevented from coming forward? Has anything been done in consequence of those letters being taken? May I learn what means, or what has been done upon them?

Attorney-General.—You cannot be answered as to this.

Emmet.—You must, gentlemen, be sensible how disagreeable it would be to one of yourselves to have a delicate and virtuous female brought into notice. What means would be necessary to bring the evidence in those letters forward without bringing the name forward? Might the passages in those letters be read to me?

Attorney-General.—The expressions in those letters go far beyond a confidential communication between a gentleman and a lady. There are evidences of High Treason, and therefore their production is necessary.

Emmet.—Might those be mentioned?

Attorney-General.—Producing some parts and withholding others never was done.

Emmet.—May I not be told the utmost limit to go to prevent the exposure? Then nothing remains to be done. I would rather give up my own life than injure another person.

Attorney-General.—We knew before you came into the room that this was the line you would take.

Emmet.—I am glad you have had that opinion of me. Have any proceedings been taken on those letters? I will mention as near as I can the line I mean to adopt. I will go so far as this.—If I have assurances that nothing has been done, and nothing will be done, upon these letters. I will do everything consistent with honour to prevent their production. May I know whether anything has been done? Might I, in the meantime, have assistance of counsel? Might I then make one request—that until my arraignment nothing has and nothing will be done?

Attorney-General.—You are at liberty to make the request; but cannot receive an immediate answer.

Emmet.—I can only repeat what I have already said, that I would do anything to prevent the production of those letters. Personal safety I throw out of the question. With notions of honour in common persons may have different principles, but all trust might be agreed as to what a person might owe to a female. Personal safety would weigh nothing if the production of those letters could be prevented.

Are you aware that they form evidence against the person who wrote them?

As to that, I do not know how far there can be proof as to who wrote them, however, there may be opinions, and I am not aware how far similarity of handwriting might be evidence. But if the person who is primarily concerned does all that in him lies it is very unnecessary and very cruel to proceed against the writer. I feel the more acutely on this point, because it is the only act of my life, within these four months, of which I have to accuse myself.

Do you mean that the female who wrote those letters only had opinions?

I say it on my honour. I only say that a woman's sentiments are only opinions and they are not reality. When a man gives opinions it is supposed he has acted accordingly; but with a woman the utmost limit is only opinion. I decide on my honour as a man that the person had only opinions. I admit in the eye of the law it is otherwise, but they may have laid down the law where it is not necessary. The same sword cuts down a man as a baby, but it is the mind of the man which teaches him how to use it.

Do you know of any depot of arms or ammunition?

I have mentioned the only point on which I will speak.

Perhaps you consider the disclosure of names as inconsistent with your notions of honour?

I will purchase honour with personal safety.

You cannot expect to draw forth any compromise on the part of Government. However, if you could render a service to Government by making a disclosure which may entitle this person to some favour, it might be attended to as far as respects that person, although not expended to yourself. Is disclosing concealed arms dishonourable?

I must adhere to my former rules.

As a matter of curiosity I may put to you a question—Why Government should indulge you with consenting to a partial disclosure of these letters when you decline on your part to make any satisfactory answer?

It is not an indulgence. I only ask it as if I was in a situation of power I would grant a like favour. I wish every one in Ireland and England was as innocent as she is. I know when I say it is the only criminal act; that the young woman's affections were

engaged without the knowledge of her friends, and in fact without her own. My resolution is taken. I have mentioned that I will never save honour at the expense of what I think my duty. I wish I knew what is expected, that I might in my own mind consider what is my duty.

Then I am to understand that nothing will induce you to make a full disclosure?

No; I never will.

You must draw the line and say how far you can go. I am not asking you where Mr. Dowdall may be apprehended. I am not asking you who visited you two hours before you were taken.

May I not ask—although I am not told what I can do, or how far I am to go—whether those letters lie there to be used or not?—whether any disclosure has been made by them or any arrest has taken place?

Would it answer your purpose to have the writer brought into the same room with you?*

It might perhaps answer yours better. [He rose from his chair in much agitation.] In respect of the person at whose house I was arrested, the lady was under personal obligations to a part of my family; her sentiments were not the same as mine. Their name might lead to a supposed connection with a person of the name of Palmer on the Coombe.

The person who had the gunpowder or to Mr. Patten?

I do not mention the gunpowder; I do not mention who.

Some one under obligations to you?

Few people have obligations to me.

If you come to any resolution you may have an opportunity for a further communication.

In a case of this kind a person naturally wishes to have the opinion of some one beside himself.

Who would you wish?

It may be a very harmless person. To remove any doubt I name an Englishman whom I never saw but once and then not alone. May I ask to know whether it will occasion any prejudice to him?

Certainly not.

Counsellor Burton is the person. May I ask another thing from the honour of every person here present—that no hint or suggestion will be thrown out of what I have mentioned? I hope that those things which go about may go without foundation. I wish I had been called up sooner. Might I know whether anything has been done to the person in whose house I was taken? I believe, gentlemen, there are occasions in which you would not think it criminal in me to shelter any of you.

You are aware that the persons in '98, among whom was your brother, made disclosures, concealing only the names of persons.

I believe they of '98 were differently situated. The object for which they spoke was to save the lives of others, their own never having been in danger. I know the comparison you are going to draw, and that it will be taken down. (Smiling.)

You are aware how far they went in '98. There was no minute circumstances relating to the plot they did not disclose?

May I know when my arraignment will take place? Might I not be permitted to see the gentleman I mentioned previous to it?

Attorney-General.—It certainly is unusual to permit a person in your situation such an indulgence.

Chancellor.—Mr. Emmet's feelings are a good deal affected.

Emmet.—I wish they were at an end. I wish you good morning, gentlemen.

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*"N. B." to the report of the examination says: "This was asked on the supposition that the writer of the letters was Mrs. Holmes, Emmet's sister, and that the language of a love-intrigue had been assumed as a means of misleading Government in its search for her."

Sarah Curran's Character

The author of "The Viceroy's Post Bag" writes:

I have examined with interest and curiosity those letters of Sarah Curran for some indication of her character. They are extremely clever productions for a girl of twenty-one, and are the more remarkable because of the peculiar circumstance under which they were written. The lover was an outlaw with the agents of the Government eagerly on his track. Such a situation would have been heartrending to most girls, and their agony of mind must have been reflected in any communication to the hunted lover.

But I can not trace the slightest tremor in the bold, firm handwriting of Sarah Curran's letters to Robert Emmet, nor do their lucid and sprightly phraseology betray any mental perturbation. Obviously she was proud of her lover as the head of a plot to establish an Irish Republic. But did she realize the perils which menaced her now that the plot had failed, and that death was the penalty he must pay should he fall into the hands of the outraged law? She seems to have regarded conspiracy as something like the childish game of hide-and-seek. What fun it was! And the romance of it! Fancy Dublin in a terrible commotion, the yeomanry hunting everywhere for Robert, she knowing where he was hiding and in possession of all his secrets! In these letters there are no gloomy anticipations as to the end of it all—an ignominious death for one, and a few years of broken-hearted existence for the other. Poor girl! This apparent unconcern may have been all pretence. What appears to us as the unseemly gaiety, the ill-timed witticisms of the letters, may have been but the effort of a distracted mind to hide its own grief, and give encouragement and hope to a banned and harassed lover. Anyway, Sarah Curran was soon to be brought into agonizing collision with the grim realities of the situation. Soon the sinister figure of Major Sirr was to appear in her very bedroom at the Priory to arrest her, and search for compromising papers to help to send her lover to the gallows. Then it was that the winsome and light-hearted girl was heavily smitten with anguish and despair to the very unhingement of her mind.

In the Home Office Papers there is a document which further shows the dreadful anxiety of Emmet for the safety of Sarah Curran before the examination. It was written for the Castle by Dr. Trevor, who resided in Kilmainham Gaol in the dual capacity of physician and assistant governor. Referring to Emmet, it says:

"When he came up for examination on Tuesday last he expressed very considerable anxiety to prevent any proceedings being taken against *a particular person*, and that to protect that person he would sacrifice his own personal safety. He was told that no such sacrifice was desired, and that he was not required to furnish any evidence against himself. But as he expressed such considerable anxiety for *that person*, it was suggested to him to consider how far his notions of honour, as he explained them, would permit him to make such communications to Government respecting the late Insurrection, further depots of arms, ammunition, etc., etc., as might justify the Government in acting towards *that person* with the delicacy he required. So far the Government may be induced to go upon receiving information equivalent to the indulgence; but it never entertained any idea of receiving any information from Mr. Emmet which could extend to protect him, or any of the persons engaged with him, further than *that particular person*."

That harassing state of mind from which Emmet was suffering was increased rather than appeased by the examination. After pondering over the situation for a few days he sent the following letter to the Chief Secretary, in which he deals with the suggestion that had been made to him that, following the example of some of the leaders of the United Irishmen—his brother, Thomas Addis Emmet, among them—he should make a disclosure of the conspiracy:

Sept. 3, 1803.

"SIR:—I have heard of you as an honorable man, and as such I commit myself to you without reserve. I have weighed well the proposal that was made to me when I was before the Privy Council. I know how much I owe to one whose peace of mind I have already too deeply injured, but every way that I turn I find obstacles almost insurmount-

able. Between the case that was held out to me and the present I can find no parallel. What was done then was neither done by one, nor for one, nor to spare their own personal feelings, nor to obtain an object of a private nature, totally unconnected with the public act that was done. Give me the same advantages. Let me have free communication with some friends; let the lives of others be spared; let the documents affecting another person be suppressed, and I will try how far in my conscience, and according to *my* notions of duty, I ought to go. But I will stand my trial, for I will not purchase my own safety. If this proposal can be agreed to I request that the gentleman I mentioned may be permitted to wait on me.

"I have the honour to be your very obedient humble servant,

"(Signed) R. EMMET.

"Right Honourable William Wickham."

Emmet was told, in reply to this letter, that the Executive would consider any statement he might desire to make; but they refused to bind themselves by any conditions respecting it.

McDonagh gives an account of an attempt made for Robert Emmet's escape from Kilmainham gaol before his trial, through the assistance of St. John Mason, who was a fellow-prisoner, but at sufficient liberty to seek the opportunity to bribe one of the turnkeys.

Acting on the suggestion of Emmet, that a substantial bribe might induce George Dunn, the turnkey in attendance on the political prisoners, to aid his flight from Kilmainham, Mason offered Dunn five hundred pounds for his assistance and an additional 500 pounds should Emmet escape. What happened is best told by extracts from documents in the Viceroy's Post Bag. Here is the report of the transaction which George Dunn drew up for Dr. Trevor, and which the latter forwarded to the Chief Secretary:

"Conceiving it my duty to prevent if possible the execution of such a plan and that the best mode of doing so was not to immediately reject his proposal (by which I would be precluded from all further information) I told him I would consider upon what he mentioned. I immediately informed you thereof, and received your directions how I should act, in consequence of which I had another interview with Mr. Mason and said I would endeavour to comply with the request, upon which he gave me a note to deliver to Mr. Emmet, which I gave to you, and which you since informed me you handed to Mr. Secretary Wickham. Mr. Mason then proposed (with which I seemed to comply) that I should procure the key from Mr. Dunn* while at dinner and let Mr. Emmet escape, and to inform him (Mr. Emmet) thereof, that he might take such steps as he thought necessary, which I accordingly did, and Mr. Emmet gave me a note to Mr. Mason to procure clothes for the purpose of disguise, which note I showed by your directions to Mr. Dunn the keeper. I afterward delivered it to Mr. Mason who informed me that—would be with him the following day, and procure what was desired. In two days after Mr. Mason gave me several things to carry to Mr. Emmet which I immediately showed to you, and then delivered them except some articles which you mentioned to me were improper to be conveyed to him."

Emmet's note to St. John Mason, a copy of which was sent to the Chief Secretary, is as follows:

"Ask G.† at what time Mr. D.‡ dines, and if he leaves anyone at the door then. Though it might be a little early, yet as he is longer away then than at any other time, it would better enable us all to go out, and with the change of dress would not be noticed. If it

*John Dunn, the Governor of Kilmainham.
†George Dunn, the turnkey.
‡John Dunn, the Governor.

can not be done, then G. must watch the first opportunity after dinner that Mr. D. goes down to the house, and let me out immediately. I will be ready at the moment. Don't let him wait till the guards are doubled, if he can avoid it, but if he can not do it before let me be on the watch then, as D. will probably go to give them instructions when placing them in the yards, as he did last night.

"I am anxious not to defer it till to-morrow, as I heard the officers who came the rounds consulting with him about placing the sentries for better security, and think I heard them mention me in the *hall*. D. also came in at one o'clock last night, under pretence that he thought he heard me calling. If it is delayed till to-morrow it must be done at dinner-time. If sentries are placed in the hall by day the only way will be, whenever D. goes down let G. whistle *God save the King* in the passage, and I will immediately ask to go to the necessary, and will change my clothes there instantly; but in this case G. must previously convey them there. Send for a pair of spectacles (No. 5 fits my sight), which will facilitate the disguise. After I am gone G. must convey the clothes I wore away."

On the day of the night on which the flight from prison was to be attempted, George Dunn informed St. John Mason that the affair was hopeless, as the Governor, whose suspicions had been aroused, had removed his quarters to the side of the gaol in which the State prisoners were confined.

The first overture was made to George Dunn on September 5, when Emmet's conditions for a disclosure of the conspiracy were rejected by the Executive.

On September 7, Emmet was told of the futility of any attempt at escape. On the following night he wrote a letter to Sarah Curran, and entrusted its delivery to George Dunn, whose treachery neither he nor St. John Mason had yet reason to suspect. The letter, within an hour, was in the hands of the Chief Secretary at the Castle. It revealed to the Executive the information which they were most anxious to obtain—the identity of the writer of the remarkable letters found on the person of Emmet when arrested. Thus by an act of simple trustfulness, by a curious lapse of caution and discretion—due, no doubt, to his overpowering desire for news of his sweetheart—Emmet brought on himself the most crushing of all the disasters that fell heavy on him during his brief career as a conspirator. The letter, which is openly addressed to Miss Sarah Curran, is as follows:

"My Dearest Love:—

"I don't know how to write to you. I never felt so oppressed in my life as at the cruel injury I have done to you. I was seized and searched with a pistol over me before I could destroy your letters. They have been compared with those found before. I was threatened with having them brought forward against me in Court. I offered to plead guilty if they would suppress them. This was refused. Information (without mentioning names) was required. I refused, but offered since if I would be permitted to consult others and that they would consent to enter into any accommodation of that nature to save the lives of those condemned, that I would only require for my part of it to have those letters suppressed, and that I would stand my trial. It has been refused. My love, can you forgive me?

"I wanted to know whether anything had been done respecting the person who wrote the letters, for I feared you might have been arrested. They refused to tell me for a long time. At length when I said that it was but fair if they expected that I should enter into any accommodation that I should know for what I was to do it, they then asked me whether bringing you into the room to me would answer my purpose, upon which I got up and told them that it might answer theirs better. I was sure you were arrested, and I could not stand the idea of seeing you in that situation. When I found, however, that this was not the case, I began to think that they only meant to alarm me; but their refusal has only come this moment and my fears are renewed. Not that they can do anything to you even if they would be base enough to attempt it, for they can have no proof

who wrote them, nor did I let your name escape me once, nor even acknowledge that they were written directly to myself. But I fear they may suspect from the style, and from the hair for they took the stock from me, and that they may think of bringing you forward.

"I have written to your father to come to me to-morrow. Had you not better speak to himself to-night?

"Destroy my letters, that there may be nothing against yourself and deny having any knowledge of me further than seeing me once or twice. For God's sake write to me by the bearer one line to tell me how you are in spirits. I have no anxiety, no care, about myself; but I am terribly oppressed about you. My dearest love, I would with joy lay down my life, but ought I to do more? Do not be alarmed, they may try to frighten you, but they can not do more. God bless you my dearest love.

"I must send this off at once; I have written it in the dark. My dearest Sarah, forgive me."*

The next morning, September 9th, Major Sirr and a party of Yeomanry appeared at the Priory, Rathfarnham, with warrants to search the house for papers, and arrest Sarah Curran. Sirr also bore the following letter addressed to Philpot Curran by the Chief Secretary:

"DUBLIN CASTLE,

"Sept. 8th. 1803.

"SIR:—

"It is with extreme regret that I find myself under the necessity of informing you that the Lord Lieutenant is obliged to direct that a search should be made in your house for papers connected with the late treasonable conspiracy. The Lord Lieutenant is persuaded that they have been concealed there without your knowledge, but it is not the less necessary that the search should be made with the utmost exactness.

"As the circumstances which lead to this investigation particularly affect Miss Sarah Curran, it will be necessary that she should be immediately examined, and if it would be less distressing to you that examination should take place at your own house in town rather than at the Castle, his Excellency will give directions to that effect, in which case you will have the goodness to bring Miss Curran there without delay, and inform me as soon as you shall arrive."*

What happened at the Priory is thus graphically described by Chief Secretary Wickham in a letter to the Home Secretary:

"Secret.

"DUBLIN CASTLE,

"9 Sept., 1803.

"MY DEAR SIR:—

"The writer of the letter found in Mr. Emmet's pocket is discovered. She proves to be Mr. Curran's youngest daughter. This discovery has given rise to some very unpleasant and distressing scenes. It became indispensably necessary to search the apartment of the lady for papers. She resided at her father's house in the country near Rathfarnham, within a short distance of Butterfield Lane. Major Sirr was sent down there this morning with a letter addressed to Mr. Curran, of which I send a copy inclosed. Unfortunately, Mr. Curran was not at home, and still more unfortunately the young lady was not up, tho' the rest of the family (two other daughters and a son) were assembled at breakfast, so that the Major entered the room where she was still in bed. This circumstance occasioned a scene of great confusion and distress, and was also productive of some inconvenience, for whilst the Major and the other daughter were giving assistance to Mr. Emmet's correspondent—who was thrown into violent convulsions—the eldest

*Home Office Papers.

Miss Curran continued to destroy some papers, the few scraps of which that were saved are in Mr. Emmet's handwriting.

I have the satisfaction to add that Mr. Curran is satisfied that Government has acted throughout with great personal delicacy towards him, and that on his part he has acted fairly towards Government, and that he was unquestionably ignorant of the connection between his daughter and Mr. Emmet.

The Lord Lieutenant particularly requests that Miss Curran's name may not be mentioned. It is difficult that it should be long concealed, but it is desirable that it should not be first mentioned by any member of Government in either country.

The Attorney-General, who has had the kindness to go himself to Mr. Curran's house at Rathfarnham, gives the most melancholy and affecting account of the state in which he left the whole family.*

On Curran's return to his house that September 9, 1803, he learned for the first time of the relations between his daughter and Emmet, and of the implication of his daughter in the conspiracy. He was overwhelmed by the news. His anger against Sarah was intense. This great lawyer, this orator with the tongue of fire, this wit, from whose recorded sallies the lapse of a century has not evaporated the spirit of laughter, was, with all his genius, a mean-souled creature. His conduct, as disclosed by the Hardwicke Correspondence, was most despicable. It was not for his daughter, suffering from the cruellest pangs that can lacerate the ardent heart of a young girl in love, that he was concerned. He was fearful lest his prospects of promotion to the Bench might be imperilled. He hastened in a mad rage to the Castle, saw the Attorney-General—Standish O'Grady—vituperated Emmet, denounced his daughter, tendered his person and his papers to the Government, to abide any inquiry they might deem it expedient to direct. Accordingly, he appeared before the Privy Council, and, after examination, was dismissed without a stain on his mean and contemptible character.

The Lord Lieutenant—a kindly, generous man, as his correspondence shows—decided that no action was to be taken against Miss Curran. The poor girl for a time lost her reason, and could not in any circumstances have been removed to prison. The Home Secretary, writing to his Excellency from Whitehall, September 16th, 1803, says:

"Your delicacy and management with regard to the Curran family is highly applauded. The King is particularly pleased with it. It is a sad affair. Mademoiselle seems a true pupil of Mary Woollstonecraft."

The King's own comment in a note to the Lord Lieutenant is: "Emmet's correspondence with the daughter of Mr. Curran is certainly curious".

Poor Emmet! He was indeed sorely stricken by the discovery of his sweetheart's association with him in his dreams and ambitions, his projects and efforts for the overthrow of the British power in Ireland. He appealed fervently to the authorities for the destruction of the papers.

He offered to plead guilty to the charge of high treason and to walk to the gallows without a word—giving up his right to address the court from the dock and the people from the scaffold—if, in return, Miss Curran and her family were spared the annoyance and the grief from the public disclosure of these documents.

Madden writes in this connection:

Who thinks of the heroic young man of 1803; who talks of the child of the heart of Ireland; who loves and cherishes the memory of the youth "who perished in his pride on the scaffold," and who merged its ignominy in "the magnanimity" of his bearing; to use the language employed by the representative of the Sovereign in bearing testimony to the nobleness of mind which suggested one of the latest of his acts, who mourns over his fate, and while reminded of his errors, separates his motives from them, and traces

*Home Office Papers.

to their source the calamities of his grace and the misfortunes of his country; who reads the story of Robert Emmet, and does not recall the story of Sarah Curran, and all that is sad as well as beautiful associated with it?

After recounting their story along much the same lines as the preceding he continues:

A man of Emmet's character, who loved the name of honour more than he feared death, and in his sentiments with respect to the destiny and the noble qualities of women, was true and loyal in his chivalry as ever knight of old; whose purity of life and morals, inflexibility of principles and purpose, have never been denied; whose mind, moreover, was highly cultivated, stored not only with the ancient glories of Grecian and Roman erudition, but with the lighter graces of modern literature, was unlikely to fix his affections lightly and where once fixed, his passion was not destined to consume itself, while it had the recollection of the love of such a being as Sarah Curran to subsist on. The sentiments and conduct of Robert Emmet were in perfect conformity, in respect to the claim of woman to man's highest respect—nay, in his opinion, to a sort of reverential deference, for qualities which he considered preserved more, or at least exhibited oftener traces of their exalted origin than were manifest in those of the other sex.

Insurrection has been one of the favorite measures of that man [Pitt]; he has tried it in France; he has attempted it in Holland; and he effected it in Ireland . . . . While I detest your principles and deprecate your measures, I admire your abilities . . . . Why has not your reason detected the fallacy of your crooked policy.

Miss Emmet.

Never did a martyr with more lovely grace part from a world unworthy to possess him.
Hayley.

Chapter XIII

An episode in the life of Robert Emmet now for the first time made public—His mother sent by the Government with a proposal for his immediate release and pardon on certain conditions now unknown, but which he, with great indignation, refuses to accept—His mother fully concurs in his decision—The effort results in her sudden death about a week before the execution.

E are now to consider an episode in Robert Emmet's life which has been unknown to the world, and which is now for the first time explained. When, in 1881, the writer visited Mrs. Lenox-Conyngham, the daughter of Robert Holmes, and a niece of Thomas Addis and Robert Emmet, he learned from her that Robert Emmet's mother had been allowed to see him, bearing some proposition from the Government by which he could obtain his pardon if he accepted its terms. She presented the writer with a volume of her poems published in 1833, containing one written in relation to this incident. The poem did not impress him at the time with the importance of its subject, and it was forgotten during an interval of some twenty-five years or more, until the preparation for writing this work was begun.

With his additional knowledge of Robert Emmet's situation previous to his trial, he is able to offer an explanation, the necessity for which was not appreciated by those who may hitherto have known of the circumstances. The first question which presents itself is, why did Dr. Madden not mention this visit, when it has been supposed Emmet was subjected to the most relentless imprisonment, and that not one had been allowed to see him but M'Nally, the informer, his lawyer, and, on the morning of his execution, a clergyman?

The probabilities are that Madden never heard of the circumstance. He was intimate with John Patten and obtained from him an extended knowledge of the domestic life of the Emmet family while Patten was an inmate of the household. But after the death of Dr. Robert Emmet, the old intimate relation seems to have ceased, as he lived apart, and was probably engrossed with the cares of a young family, while he was not in prison. After Mr. Holmes' marriage to Miss Emmet he became an inmate of the family, as Patten had been, and, after the death of Dr. Emmet, essentially the head of the house, but the relation between him and Patten was not a close one. After the death of Mrs. Holmes, the nature of her husband, it is said, was entirely changed, and he

remained so to his death, living, as it were, within himself. He was never known voluntarily to make the slightest reference to his early life, and when forced to do so, it was always with the evidence of the deepest feeling; it is, therefore, probable that he would never have communicated to Patten any knowledge he possessed, nor is it likely that Madden ever sought to obtain any. Thomas Addis Emmet, being in France for several years, without regular communication with Ireland, and with little after he settled in New York, it is equally probable that he never heard of this interview between Robert Emmet and his mother.

Since it was known to Mrs. Lenox-Conyngham, she must have received a knowledge of the details from her father, Mr. Holmes, else she could not have written such a graphic poem. It is certain that her mother was present at the interview or she would never have known of it through her father, as Mrs. Holmes died shortly after Mrs. Lenox-Conyngham was born.

As soon as it was known to the authorities that "Mr. Ellis" was really Robert Emmet, his mother made application to see her son in prison, and the request was refused. A few days later she was approached by an agent of the Government, who offered her permission to see her son, provided she was the bearer of an offer affording him a free pardon, on condition that he complied with its terms. Mrs. Lenox-Conyngham seemed to have forgotten the details and terms of the visit; she mentioned only the fact that Mrs. Emmet saw her son shortly before her death and just before his execution. The poem makes it evident that Mrs. Emmet was thus bribed to become the bearer of a proposition to her son, which her proud spirit would have resented under any other circumstances, had she not been overcome with the yearning of a mother to bid farewell to a favorite son, before he was sentenced to a fate she knew was inevitable.

The terms of the Government are now unknown, but in all probability Emmet was to reveal the names of his associates. In her indignation, Mrs. Emmet would not be likely to mention these terms, and they were doubtless of a nature of which the Government would have made no record. When Castlereagh was informed of Robert Emmet's arrest, after the passing of several weeks in hiding, he expressed the hope that Emmet would make his escape from the country.

It is well known that the authorities were greatly perplexed as to the most advisable course to follow in Robert Emmet's case, after they had been obliged, for appearance' sake, to offer a large reward for his arrest, which prevented him from taking the necessary means to flee. The Government wished to escape the odium which was felt to be inevitable on putting to death a man like Robert Emmet, who had the full sympathy of so large a number. Moreover, it is well known that for several days after he had been indicted the Government hesitated to bring him to trial, as the proof was insufficient to insure his conviction, unless resort was had to perjured evidence. It is worthy of note, as a remarkable circumstance, that no Irishman came forward to testify against Robert Emmet. Even those who beyond question had been employed to be-

tray him, did not carry out their bond with the Government, until obliged to do so to save their own lives. This was generally the case, as the Government at first ignored all show of justice, and at once put to death every Irishman who came within their power.

In Robert Emmet's case it is clear that the Government, in order to be relieved of censure, made use of his mother to communicate the proposition to her son, making this course the only terms on which she could see him, hoping that through her influence he would accept a pardon on any terms to escape death, and the Government by this means would secure credit for its merciful action.

Robert Emmet rejected with scorn and indignation the terms of immediate freedom offered by the Government. The mother, who was to suffer most, not only fully concurred in her son's decision, but she prompted him; and the daughter, Mrs. Holmes, who on account of her mother's feeble condition, must have accompanied her, was in every detail as patriotic. It is not probable that Robert Emmet hesitated for a moment as to his course when called upon to name his associates. But the strength of the noble and heroic mother was spent, for she could no longer bear the burden she had sustained in the loss of her devoted husband, in addition to the fate she knew awaited her last-born, the object from his infancy of her proudest aspirations. The poor woman returned to her now desolate home with a broken heart, to die.

Family tradition is silent as to all details relating to the time of her visit, the terms offered by the Government, and the time of her death, beyond the fact that it was a sudden one. She certainly died in the early part of September, within a week or ten days before the execution, while the authorities were in doubt as to the course they should follow. On his refusal to accept the terms of the Government, Robert Emmet was immediately indicted, and a day appointed for his trial.

Mrs. Emmet's granddaughter, Mrs. Lenox-Conyngham, when a young woman, with a knowledge of the details as to the interview with Robert Emmet, wrote the following poem, which is as remarkable a production in its merit as the one entitled "Weep Not for the Dead", also from her pen:

THE PATRIOT AND HIS MOTHER

There was a prison, where a noble heart
    Was languishing, as many such have done,
For the pure blessings Nature can impart,
    In every ray that streameth from the sun,—
On every blossom bursting on the trees,—
Ay! in each spider's thread that floats along the breeze.

To the clear spirit which perceives aright,
    These things are types of heaven-born Liberty;
And teach, that He who did create the light,
    The flower, the insect, made them to be free
For use and for enjoyment. Is it meet
That God's free works with man's oppression be replete?

This captive was a youthful patriot who
Had fought and failed; to life he had been bound
By ties of love and happiness; but true
To that soul-summons, which awakes no sound
Unless it strikes a rightly tempered breast,
He rose in Freedom's cause, and left to God the rest.

They deemed that his example might have sway
O'er many; and they urged him to submit
To stern necessity, and coldly lay
His country's rights aside; and calmly sit,
In splendid ignominy, down; and school
Himself and his compatriots to their master's rule.

Pardon, yea! honours, did they promise him;
And sent his widowed mother whose pale cheek
Was yet more blanched,—whose eye had grown more dim
With weeping for his sake—whose limbs were weak
For want of her heart's staff—to tempt him now,
Beneath a gilded yoke his neck in shame to bow.

Who may describe the meeting of that pair?
Hope had been at their parting; she was fled,
And Disappointment, kindred to Despair,
Was in her place. 'Twas long ere either said
A word; the mother was the first who broke
The silence, and her mission faithfully she spoke.

She spoke—and, with anxiety intense,
She watched the workings of that well-known face
Which never had she seen stained with a sense
Of what might bear the semblance of disgrace.
Now, with indignant scorn she saw it dyed
Until she ceased,—and then, the insulted youth replied:

"Alas! my mother! has affliction turned
Thy lofty mind astray? There was a time
When from thy sight and love thou would'st have spurned
The son who had but thought on such a crime.
From thee I learned, that in a patriot's death,
There lay no sting; mine be a patriot's dying breath!

"Return to those who sent thee hither; tell
Them who, perverting Nature's holiest laws,
Would have the parent bribe the child to sell
His conscience for his life—his country's cause
For her oppressor's favour—that thy son
Will never see thee for aught that he hath done."

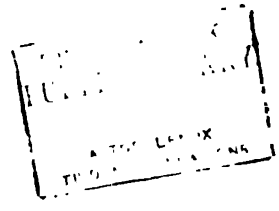
She clasped her hands and cried, "I thank thee, God!
My glorious son! they bid me come and try
To lure thee from thy path of virtue—trod
Since childhood; now thy doom is but to die,
As thou hast lived, with honour. We shall be
Together, in yon Heaven of perfect liberty"!

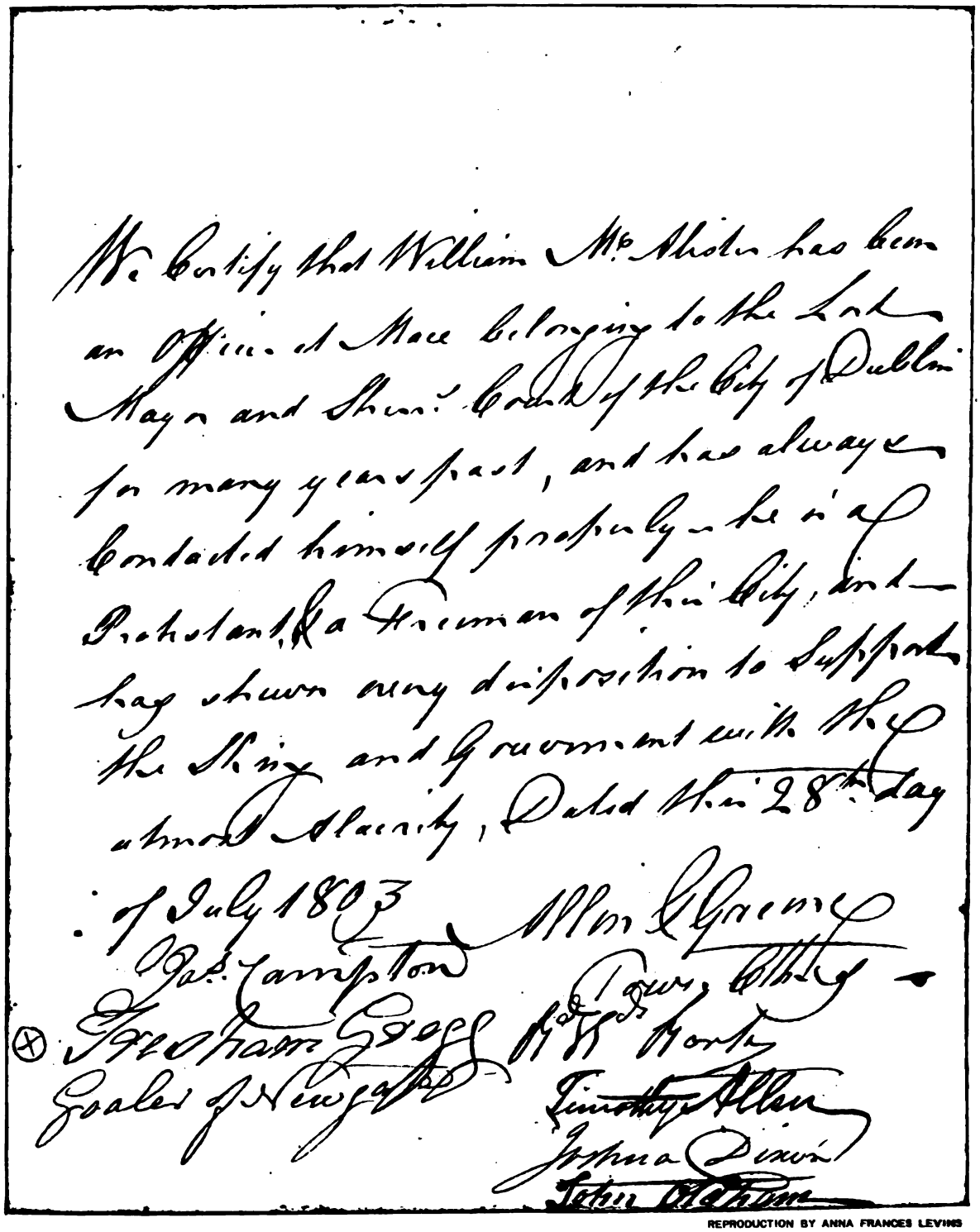
His Last Prayer

They met but once again—and that was where
Men part to meet no more on Earth. He made
His last, as he had made his earliest prayer,
Beside his mother; then his head he laid
Upon the block in peaceful trust; before
The stroke had fallen on him—her sufferings were o'er.

May the tempests of winter that sweep o'er thy tomb,
Disturb not a slumber so sacred as thine;
May the breezes of summer that breathe of perfume,
Waft their balmiest dews to so hallowed a shrine.

Shelley.





We Certify that William Mc Alister has been an Officer at Mace belonging to the Lord Mayor and Sheriffs Court of the City of Dublin for many years past, and has always conducted himself properly – he is a Protestant & a Freeman of this City, and has shewn every disposition to support the State and Government with the utmost Alacrity, Dated this 28th day of July 1803

Allen & Greene
Lord Mayor

Tresham Gregg
Gaoler of Newgate

Timothy Allen
Sheriff

Joshua Dixon
Sheriff

John Atkinson
Sheriff

REPRODUCTION BY ANNA FRANCES LEVINS

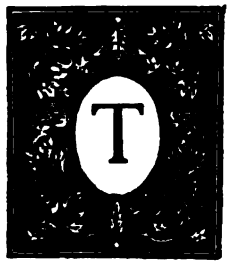
AUTOGRAPH OF TRESHAM GREGG, GAOLER OF NEWGATE PRISON, DUBLIN

About thirty individuals, principally Lords, possess the power of returning a majority in the House of Commons, and even two-thirds of the representation are engrossed by less than one hundred persons.

T. A. Emmet.

Chapter XIV

Letter to "The Times," signed "B. W." regarding attempt to bribe Dunn—St. John Mason's letter to "The Times," signed "Verax"—Copy of Viceroy's despatch concerning arrest and imprisonment of St. J. Mason in 1803—Circumstances connected with Mason's part in Rising—Letter found on him, purporting to be from a woman in London, attributed to Emmet—Veiled meaning—Refers to offer to Dunn for escape of Emmet—Speaks of Emmet's trial and display of magnanimity—Also of Emmet's intention to acquit Government of remissness in not detecting conspiracy—Copy of examination of magistrate regarding Mason's arrest—Copy of original note in handwriting of Mason regarding Emmet's projected escape.



HE following letter appeared in the London "Times".

To the Editor of "The Times".—Sir:—The London newspapers which arrived here on Monday contained the following article:

"Extract of a letter from Dublin, 27th November.—Mr. G. Dunn, the governor of Kilmainham prison, Dublin, for the last forty years, expired on Thursday, leaving a numerous family behind him. When Emmet was under his charge for high treason, an immense sum of money, by way of bribe, with an offer of a free passage to America, was made him, if he allowed his prisoner to go free; but the honesty of Mr. Dunn spurned the bribe."

Mr. George Dunn, the person above-mentioned, had not been the governor of Kilmainham prison, Dublin, for the last forty years. The rest, about Robert Emmet, is pure invention. The facts which suggested this posthumous praise of George Dunn are these:

Robert Emmet was taken from the bar of the Court-house, Green Street, Dublin, to the prison of Newgate, at (if I remember rightly) about nine o'clock at night, of the—of October, 1803, after having been sentenced to death. Immediately on his entrance within the walls of the prison, the then governor (Gregg) either from precaution, excess of zeal, or stimulated by a brutal disposition, loaded him with irons, and, I believe, placed him in a cell. At half-past twelve o'clock, however, an order arrived from the Secretary of State (the late Mr. Wickham) that the prisoner be removed to Kilmainham gaol, ostensibly to bring him nearer to the intended place of execution, Thomas Street, but in reality for safe-keeping.*

The governor of Kilmainham prison on that day was a person named John Dunn, uncle of him mentioned in the above extract, who was then only a turnkey. Dunn, the governor, was a man apparently rough and savage, but at bottom humane and kind. Robert Emmet had scarcely been committed to his custody, when his

*The Court House, was in the rear of Newgate prison, in the same building around a hollow square, of which the Court House formed one side facing on Green Street. Under the Court House were a number of dark and damp dungeons as part of Newgate, the entrance of which was directly back and opened into the dock where Robert Emmet stood throughout the day of his trial.

eyes fell upon the fetters with which the prisoner (a slight young man) was loaded. The tears burst from his eyes for he saw that the irons had cut through the silk stockings worn by Emmet and to the bone—his ancles were bathed in blood.

Dunn's kindness did not stop here. He ordered refreshments for his ill-fated, but deeply interesting charge, of which he stood much in need, after a trial of eleven hours, during the whole of which time he stood, and not having from an early hour in the morning that preceded it tasted food. He ordered him to be placed in one of the best rooms in the prison, and directed that every comfort he desired should be supplied him, and continued his kindness up to the moment when the prisoner, thanking him for his humanity, left the prison for the scaffold.

We do not wish to refer to certain incidents in the after life of George Dunn, now so indiscreetly brought before the public.

The alleged offer of a bribe to that or any other person to connive at the prisoner's escape, is obviously an untruth. In the first place, Emmet was removed unexpectedly and after midnight from Newgate to the custody of Dunn the elder, and brought out for execution only ten hours afterwards. (Justice was promptly executed in those days.) No time remained, therefore, for tampering with the gaoler after the fact of the prisoner's removal to Kilmainham could have become known to his friends; and, in reality, the nearest friends and connections of Robert Emmet (Mr. Holmes, the barrister, Mr. Patten, and others) capable of making that effort were themselves inmates of Kilmainham gaol, or confined elsewhere, on suspicion of guilty knowledge of the conspiracy which burst forth into insurrection on the 23rd of July previously. . . .

I have the honour to be, Sir, &c., B. W.

The following is a letter which St. John Mason, under the signature of "Verax", published in "The Times", February, 1842.

BATH, 12th February, 1842.

TO THE EDITOR OF "THE TIMES".—SIR:—The writer of this letter begs leave to state, that in several recent numbers of "The Times", certain extracts from Dublin newspapers have been inserted, concerning the unfortunate Robert Emmet and the late George Dunn, gaoler of Kilmainham, to the following effect:

That when Robert Emmet was under the charge of Mr. Dunn for high treason, "an immense sum of money, by way of bribe, with an offer of a free passage to America, was made him, if he allowed his prisoner to go free; but the honesty of Mr. Dunn spurned the bribe".

Those extracts having so appeared in "The Times", and being substantially perversions of facts, it is respectfully submitted that, in fairness, the truth should be spread commensurately with the misstatement; and that it should likewise go forth to the public through the same great organ of intelligence and its vast circulation, whereby that misstatement had been already so widely diffused.

The matter of present consideration is the conduct of George Dunn, as to the attempted escape of Robert Emmet, in relation to which manifold have been the laudations squandered upon the memory of Dunn. The following is the truth:

A proposition was unquestionably made to George Dunn and a certain sum of money, a bribe, no doubt, was offered for his aid and instrumentality towards effecting the escape of Robert Emmet. But, contrary to the statements in the newspapers, that proposition and that bribe was not so spurned by Dunn. The proposition was entertained, a positive assurance given by him that he would "do everything in his power to effect the escape". There is no individual living, nor has there ever been any other, save Dunn himself, who had personally known, or who at present knows those facts, but he who now states them, and who freely admits, as he has

always admitted, that he did make that proposition. No third person was ever present, no money was ever paid to Dunn, and no offer was ever made of a free passage to America. But, in fact, throughout the transaction, Dunn, so far from acting with integrity, practised the foulest perfidy. The transaction itself occurred, not after the trial of Emmet, but several days before it; and Dunn had neither the power nor the means of accomplishing the escape, though he had given reason to suppose that he possessed both, and had, with the semblance of sincerity, faithfully promised, if possible, to effect it. He was, in fact, at the time, neither the gaoler of Kilmainham nor even the confidential turnkey at the entrance gate—he was merely the turnkey and attendant of the interior department where the state prisoners were confined. But even if he had been the gaoler he could not have effected the escape; for there was another person, since dead, who, in the guise, and under the "covert and convenient seeming" of a doctor, had a paramount authority in the prison—a man who appeared there as the inspector (or rather the haunting spectre) of the gaol—an incubus sojourning therein day and night, about sixteen hours out of the twenty-four, and who, also acting as the Government overseer or superintendent of the state prisoners, commanded even the gaoler.

The gaoler at that time was John Dunn, and though a namesake, was not the uncle of, nor in any way related to George Dunn; the former having been a native of a midland county in England, the latter of Berwick-upon-Tweed. On the death of John Dunn, two persons named Stephenson and Simpson successively filled the gaolership previously to George Dunn. He could not, therefore, as gaoler, have had the custody of Robert Emmet, and could not consequently have had the ability ascribed to him of effecting the escape; and in his own station such was impossible, though his inability was not then so well known as afterward.

But properly to understand this question, which is actually one of official intrigue and speculation, it is requisite in regard to the machinations which in conjunction with others Dunn practised on the attempted escape of Robert Emmet, again to refer to the personage already alluded to as the superintendent of the state prisoners, and who was at that period well known as the celebrated Pedro Zendono, the inquisitor of Kilmainham.

Of this man's inhuman conduct towards the state prisoners the writer had bitter knowledge and experience for more than two years, which brutal conduct has, before three of the supreme judges, been verified by the solemn oaths of more than twenty state prisoners, and afterwards, by the exertions of this writer, became the subject of parliamentary investigation by Sheridan. And the deeds of this prison tyrant, together with those of his helpmate Dunn, are now among the records of parliament.

This individual, to whom Downshire had the honour of giving birth, having become enamoured of a handsome female, certain circumstances made it desirable that the young woman should speedily become a wife, and he accordingly bestowed her upon his brother soldier, George Dunn, then a pedestrian campaigner in a militia regiment—with the condition, however, that the lover and the husband of this spotless wife should alike participate in her favours; and also with the further stipulation that the lover should, on the first occasion which offered, obtain a post for the husband in the gaol of Kilmainham, and if possible have him in time advanced to the gaolership.

Those little interchangeable acts of friendship having continued during the life of the happy lady, both without and within the prison—where the bower of bliss was the sheriff's execution room—George Dunn accordingly became the turnkey of the state prisoners, and in fulness of time the gaoler of Kilmainham.

At the period of the present transaction George Dunn, though only a turnkey, was from his position in the prison admitted to the honours of the sittings with the grand inquisitor and the nominal gaoler, John Dunn, who, though otherwise a good

man, then weakly lent himself to the machinations of the other parties. Accordingly about one week before the trial of Robert Emmet, it was planned that George Dunn should have a conversation with him respecting his escape. Whereupon several communications by open slips of paper, in the handwriting of Robert Emmet, were conveyed to this writer, and answers returned by an under turnkey, a convicted felon, whom the inquisitor craftily used as the bearer instead of Dunn; in one of which slips of paper Robert Emmet requested this writer, then in an adjoining cell, to apply to George Dunn, specifically naming him, and in conspicuous characters, and to offer him a certain sum of money, as stated in such a slip of paper if he [Dunn] would effect his liberation, the sum so offered to be well and faithfully secured to Dunn and payable only when the liberation should have been effected.

The writer of this paper saw the peril and difficulty not only of the attempt itself on the part of Robert Emmet, but he also saw his own peril in making the application. He saw that he was about to commit himself as a principal in a case of high treason, the consequences of which were not and could not be unknown to him. However, upon receiving that particular communication, he did not for a single moment hesitate as to what he should do; and the very first opportunity which offered he made the application.

In doing so he admits his legal guilt, but as to any moral guilt he feels but little compunction. His only regret is that he failed in the attempt. What were his motives?

Robert Emmet was his first cousin and the ties of nature are not easily broken. He had a great and noble heart. He shared with the rest of his family those transcendent talents which have acquired for the name of Emmet an imperishable renown. But, above all, he was then upon the threshold of the grave—the finger of death was almost upon him; where lives the man having a human heart within him who would not under such circumstances have made a similar attempt? If the writer of this was a criminal it is fully proved that he was equally so with Hutchinson and Wilson.

However, Dunn received the proposition including the specification of the sum which would be given in a way which showed, as soon after proved, that he had been previously trained by his employer to expect it. He entertained that proposition, and he treacherously promised to effect the escape.

The sum of money which had been actually offered to Dunn is, in the Dublin extracts, magnified into that of £6,000, as a strengthening proof of his incorruptible integrity. But if only one-fourth of that sum had been stated it would have come nearer to the truth. However, the mere amount is not the question—the treachery of Dunn is the point; and except as regards that, the refusal or non-refusal of any sum is altogether immaterial. He was to receive his reward only upon the condition of accomplishing a particular object—and that object, he well knew, was impracticable; so that even if he had refused the bribe (which he did not), where would have been his merit? He would then have refused a reward which he knew that he never could obtain, except by the performance of a condition which he also knew that he never could accomplish.

But in promotion of the plans concerted by the triumvirate, the inquisitor, knowing the relationship between Robert Emmet and this writer, permitted a degree of intercourse to exist between them. He permitted the correspondence already stated. He permitted Robert Emmet to receive from this writer, through Dunn, a supply of clothes, which were in fact those that he wore upon his trial. He also permitted him, under the conduct of Dunn, to stop in the passage leading to this writer's cell, which was purposely in the immediate neighbourhood of his kinsman; and with the eye and ear of Dunn vigilantly watching he permitted Robert Emmet to converse from the passage and to shake hands with the writer through the gate window of this cell. And all this was done, not from any congenial kindness of the inquisitor, but as a snare, not only for discovering whether any allusion would be

made to the insurrection, as showing the privity thereto of this writer, but also to provoke in the presence of Dunn some proposition as to the escape which they could wrest into a proof of a conspiracy and plot between the prisoners, which their own previous conspiracy had laboured to effect. In furtherance of their schemes, the correspondence which by slips of paper was perfidiously permitted to pass between the two prisoners, through the convict turnkey, was, in every stage, daily waylaid and conveyed by the overseer, to Mr. Chief Secretary Wickham and Alexander Marsden, the Under Secretary.

And without referring to other proofs, thereof, that correspondence was afterwards, in their defence, by them presented through the Castle to the House of Commons, and printed in its proceedings.

The cravings of the Cerberi were soon after fully satisfied by that sort of pabulum which they sought for their safekeeping of the prison-gates. For the overseer, according to parliamentary documents, swore before the three judges who sat in the prison upon the commission obtained from Government by this writer, that he (the overseer) had prevailed upon the Government to increase the salary of George Dunn, on account of his fidelity in preventing this writer from effecting the escape of Robert Emmet. Thus did those conspirators take advantage of their own wrong for purposes of pecuniary fraud and personal aggrandizement. And as to the overseer, he, by means of the present transaction and other acts equally base, and likewise by a long course of prison peculation, from having been an obscure and needy adventurer, became a man of wealth.

But as to George Dunn's conduct in this transaction, it is plain that he was not the man of probity, the incorruptible servant of justice which the newspaper extracts report him to have been; but, on the contrary, that he was a confederate leagued with the other parties for inveigling Robert Emmet and this present writer into a perilous conspiracy; and, with the blackest perfidy, that he was all along plotting and working for his own aggrandizement, and that of his unprincipled employer—of that base individual who was the prime instigator of the transaction, the pivot upon which the machinery moved—that salaried and sycophantic peculator, who, as the chief inquisitor of the prison, conspired with and delegated his Mosca, his familiar, to decoy his victims into a snare, in promotion of his own infamous objects; and that on this occasion George Dunn was merely his working instrument —the rope in the hands of the hangman.

One word more, and in conclusion, concerning the insurrection in which poor Robert Emmet was involved, and also concerning himself. That insurrection must indeed be viewed only with absolute and unqualified condemnation. But as to Robert Emmet individually, it will surely be admitted that even in the midst of error he was great, in principle untainted, in courage dauntless. And when upon trial, with the grave already open to receive him, that the burst of eloquence with which he shook the very court wherein he stood, and caused not alone "that viper whom his father nourished" to quail beneath the lash, but likewise forced even that "remnant of humanity", one of those who tried him, to tremble on the judgment-seat, was, under all the circumstances, an effort almost superhuman—a prodigy; not only when he hurled upon them that withering defiance and memorable castigation, but also when he advocated the grounds upon which he had acted, exhibiting altogether a concentration of moral integrity, talents, and intrepidity unparalleled in the annals of the world.

VERAX.

The following is a copy of the despatch from His Grace, the Lord Lieutenant of Ireland, containing the case of Mr. St. John Mason:

Causes of Mason's Arrest

Ordered by the House of Commons to be printed, 2nd June, 1812.

DUBLIN CASTLE, 1st Dec., 1811.

DEAR SIR:—

Having been directed to furnish such information as I could collect relative to the causes of arrest and imprisonment of St. John Mason in 1803, and for some time after I proceeded to investigate the case with all the diligence in my power, but I found few original papers on the subject, no official project or memorandum, and even the information collected by inquiry has been in many parts very vague and unsatisfactory. Nor can this appear surprising when it is recollected that he was arrested during the suspension of the Habeas Corpus Act, and while the country was in a state of insurrection, and that since his arrest a period of eight years has elapsed—that in that time there have been seven chief-secretaries, three under-secretaries, and three attorney-generals; that notwithstanding changes of administration, and former complaints and inquiries as to his treatment in prison, Mr. Mason has now for the first time desired a scrutiny into the causes of his arrest and detention (at least to my knowledge) whereby that part of the subject has been forgot. The case, as far as I have been able to discover it, was this:

St. John Mason was first cousin to Robert Emmet; his trial is in print, and the reading of it might be no bad preparation for any gentleman who wished to understand the state of Dublin at that time, and the views and feelings of Government; Emmet's concern in the insurrection of 23rd July, 1803, appeared by the papers which on that night were found in the rebel depot in Mass-lane and sent to the Castle, some of which were proved on his trial; so far the Government was fully informed; but what the extent of their information in other respects was, it is perhaps impossible now to discover; we must endeavour to ascertain the facts, and suppose them to have been known at the time.

For some months previous to the insurrection Emmet had lived in or near Dublin, occupied chiefly in preparations for that event. At the time of the insurrection, and for some time before, but how long does not appear, St. John Mason, the first cousin and intimate friend of Emmet resided at Sea Point, a genteel boarding house, about four miles from the city, to which Emmet probably had made frequent visits, though this does not appear; I cannot find any evidence of any intercourse having taken place between them during this time; but it seems natural, that in the alarm, doubts and suspense, which followed the 23rd of July, it should have been at least strongly suspected that such intercourse had existed. Mason certainly took no part in the murders in Thomas Street; the insurrection in that quarter took place about nine o'clock in the evening, at which time he was in a large company at the house of a very respectable gentleman who resided about —— miles from town, and —— from Sea Point. Even this, however, did not tend to exempt him from all suspicion, as it was generally said that the company were surprised at his not coming till eight o'clock (though a dinner party) and at his arriving there, not from Sea Point but from town. On that night Mason lay at Sea Point, on the next or the following night he lay at an hotel in James' Street, almost adjoining the spot where the insurrection had broken out; and from thence proceeded by various modes of travelling as far as Nenagh, that being the direct way to Kerry, where Mason's connections lay; there he was arrested (it does not appear on what day) by ——, a magistrate of the county, in consequence, as he states, of an order for that purpose from the then Under-Secretary. In Mason's letter-case were found some letters, particularly one directed to him, concerning which he expressed considerable anxiety, saying that it was from a female in London.

This letter the magistrate read and forwarded with the rest and the prisoner to the Castle.

It cannot be found, but the magistrate's account of it is, that it purported to

be from a woman, but was expressed as if it had some covered meaning; mentioned a longing till her nails should grow so long as to tear the flesh and draw blood, and in more than one place expressed a wish to draw blood. On the whole, the magistrate states his opinion to have been at the time that the letter was written by Emmet.

Mr. Mason was transmitted to Dublin, where, on the 9th of August, he was, under the Chief Secretary's warrant, committed to Kilmainham.

In the latter end of August Robert Emmet was taken and committed to the same prison.

George Dunn, an Englishman, formerly one of the under-keepers, and a confidential attendant on the state prisoners, and now the chief-keeper of Kilmainham, swears that about the 5th of September (being at that time one of the under-keepers), he was applied to by Mr. St. John Mason to procure the escape of Emmet, then also a prisoner in Kilmainham gaol, for which he promised him the sum of five hundred pounds.

Then follows the statement already given as made by Dunn.

Emmet was tried on the 19th, and executed on the 20th of September. After his trial, he wrote a letter to Mr. Wickham, then Chief Secretary, evidently not with any hope of pardon or respite, but apparently dictated by a sense of justice, and by that sentiment of magnanimity with which, whatever his crimes may have been, he certainly conducted himself on that solemn occasion. In that letter he declared that it had been his intention, not only to have acknowledged the delicacy with which he had been personally treated, but to have done the most public justice to the mildness of the then administration of this country, and at the same time to have acquitted them, as far as rested with him, of any charge of remissness in not having previously detected a conspiracy which, from its closeness, he knew it was impossible to have done.

That Emmet (on certain references he had made to a person cognizant of his plans) had Mason then in his thoughts cannot be proved; but it can scarcely be supposed that he would have unnecessarily used such language if he had been satisfied of the innocence of so near a relative, confined, to his knowledge, in the same prison.

(Signed) J. S. Townsend.

COPY OF THE EXAMINATION OF THE MAGISTRATE, CHIEF SECRETARY'S OFFICE, DUBLIN CASTLE, 26TH SEPTEMBER, 1811.

Arrested Mr. St. John Mason in 1803, in consequence of a letter from this office, from Mr. Marsden, as witness thinks, and thinks he showed Mason the letter; brought to him by a yeoman of the name of ——. Found Mason in an inn at Nenagh, and took him; he appeared at first very much frightened. He searched him; found nothing on his person nor in his desk or lettercase, which he opened, but wished much to get one particular letter which he said was from a girl in London. Witness desired to see it, and on reading thought it a sort of disguise; probably from Emmet, written in too ambiguous a manner; kept no copy. It purported to be from a woman and one of the expressions was a longing till her nails should grow so long as to tear flesh and draw blood and repeated several times, "Oh! how I long to draw blood". Witness sent it to the Castle with the rest, and observed on it in his letter; read none of the others, but sent the whole sealed up. He returned witness thanks for his kind treatment in the morning, having passed the night in custody.

Witness asked if he could account why he had been taken up; he said he had been quizzing some ladies at Sea Point with politics, and supposed they had reported him; he said he had lain in a hotel in James's-street a night or two after the 23rd of July, and had traveled in various ways to Nenagh.

Witness knows he was at Sea Point on the night of 23d of July, 1803.

He was civil to witness, but, as he had heard, quarreled with every person in whose custody he was after. In some time after—told witness that a man from Kerry had informed him that the people there were ready to rise but for the arrest of their colonel by witness.

Witness had a relation of his own name who held a place in the revenue in Kerry, and wrote to witness to get him removed, as he expected to be murdered for his name, on account of witness having arrested Mason.

COPY OF ORIGINAL NOTE IN THE HANDWRITING OF MR. ST. JOHN MASON, NOW IN THE CHIEF SECRETARY'S OFFICE.

You must relinquish every idea of not going alone, or nothing can be done. I see no reason why G. [George Dunn] should go; on the contrary, consider it would be most imprudent and impolitic, and the delay of discovery may be for an hour even by his staying. I have a friend at Booterstown who will be here to-morrow. If he can I know he will procure a blue coat that will do; but it cannot be brought here. Surely you would be less liable to discovery by being alone wherever you went for two nights. The only possible reason you can have for not having G. stay is on account of R. and A. In short, give up that idea, or the whole will be impracticable. G. will be safe by remaining (not so if he goes). It may be unpleasant to him at first, but he has nothing to do but to persist in his negligence, and brave it.

You must go singly; consider the clue to discovery in G. A. R. and E.—wife of one, connection of another, and so on, etc. Prepare therefore to go alone.

You say if you could all be safe for two nights; suppose I grant all but the "if." But I say the difficulty of concealment, even afterwards, would be tenfold for each person. Once more I conjure you not to think of it.

September, 1803.

At this point in the official report prepared for Parliament is given the letter (see Chapter XII) written by Robert Emmet to St. John Mason, which Dunn did not deliver, as he promised, but did so to the authorities, together with an account of his version as to an attempt made to bribe him. His report was addressed to Dr. Trevor, and Dr. Madden had it published for the first time. It also appears at a more recent date in "The Viceroy's Post Bag", with another letter written by Robert Emmet, September 20th, on the day of his execution, to William Wickham, the Irish Secretary, which will be given in Chapter XXII.

The brand of religious discord was thrown by the hand of the English Prime Minister. The popular Lord Fitzwilliam was recalled, and Lord Camden sent in his place, charged with the mission of fomenting religious discord.

Rev. Patrick F. Kavanagh.

Remember Orr.
Dr. Drennan.

Irishmen of every denomination must now stand or fall together.
William Orr.

Chapter XV

Meeting of Special Commission and Jury—Robert Emmet indicted on evidence secured and ordered for trial same day for high treason—Curran refuses Emmet's request to act as his counsel—His letter to Emmet suggesting suppression of circumstances relating to his family—Government relieved through trap for Emmet's escape—Reference to State Papers obtained by author—Among them original warrant for payment of reward to betrayer of Emmet's place of concealment—A copy of the "Devil's Brief"—Surmise why procedure arranged in Brief not followed—Madden shows Sirr had 61 men trained as false witnesses—Called "Battalion of Testimony"—Names of perjurers on Emmet's trial never published—Leonard M'Nally, confidential adviser of United Irishmen and invariably employed in their defence—When sentence of death is passed on Emmet, M'Nally embraces him and kisses his cheek—Secret Service money expenditure papers show that M'Nally received £1,000 ($5,000) and had Secret Service pension to end of his life—Fitzpatrick tells of M'Nally's end—O'Grady only examines witnesses to prove Emmet was "the Origin, the Life and Soul of the Rebellion"—None others required—Plunket's violent philippic against Emmet—Wishes to reinstate himself in Government's favor—Result reverse of anticipation—MacDonagh's criticism of trial of Emmet—Curran, Plunket and M'Nally, a trio who debased themselves for preferment and pelf—Impossible to establish exact form of Emmet's trial—First record in legal form on Sept. 21, day after the execution, published in Dublin "Hibernian Journal"—Facsimile reproduction of report—Several reports taken, but all submitted to Castle censorship—Many versions since published—Indicted September 15—Indictment never heretofore given in entirety, now given in full according to Mr. Ridgeway's report.

HON. MR. JUSTICE DOWNES, the Hon. Mr. Justice Finucane and the Hon. Mr. Baron Daly met at the Sessions House in Green Street, on the 24th day of August, 1803, when the following Grand Jury were sworn:

Abr. B. King, Foreman	Mark Magrath	Wm. Walsh
Arthur Stanley	William Sparrow	James Hamilton
Nathaniel Craven	Jos. Holmes	John Oldham
Hans Blackwood	Richd. Spear	Richard Wilson
Joshua Pounderi	Godwin Pilsworth	Wm. Leer
Arthur Guinness	Mark Bloxham	Francis Hamilton
George Carleton, Jun.	John Hone	Roger Horner, Esq.
W. Colville, Jun.	Joseph Ashley	

On the evidence gained by this special Commission and Jury, Robert Emmet was indicted on August 24th and ordered for trial on the charge of high treason.

Curran Declines to Act

Robert Emmet had asked John Philpot Curran to take charge of his defence, which he declined to do in the following letter:

SEPT. 10, 1803.

SIR:

From the circumstances which you must suppose have come to my knowledge, you could not have been surprised at my intimation this morning to your agent, that I could not act as your Counsel. I write this merely to suggest to you that if those circumstances be not brought forward by the Crown, which from their humanity I hope will be suppressed, it cannot be of any advantage to you to disclose them to your agent or Counsel.

(Signed) J. P. CURRAN.

Robert Emmet, Esq.

By the report of the Irish Secretary it has been shown that the Government's position was an embarrassing one in not being able to prove by Robert Emmet's handwriting his connection with the Provisional Government's Proclamation and other papers. Through Dunn, the turnkey, a trap was laid by which Dunn was to be offered a bribe for effecting Robert Emmet's escape from Kilmainham. Unfortunately, Emmet fell into the trap by writing a letter to St. John Mason and one to Miss Curran, which gave the Government authorities all the evidence needed. Otherwise the Government would have had to depend on a packed jury and the "Devil's Brief", which had been prepared.

Some years ago the author obtained, as has been stated, several papers which must have been at some time in the Irish Government archives, and a portion of the State papers which Burke had sealed up, and which are of the greatest historical value in relation to the arrest and trial of Robert Emmet.

One of these is the original warrant for the reward due the betrayer of Mr. Emmet's place of concealment. This will be reproduced and referred to hereafter. Another of these papers is of more importance, as it is believed to be what was then termed in Ireland "the Devil's Brief", an instrument of injustice long in vogue in that unhappy country, and one from which many an innocent man has suffered. Up to within a recent period it was not an uncommon thing in Ireland to use this procedure for the conviction of any person whom the authorities felt disposed to get rid of. Unfortunately, there has been no time in Ireland, for some hundreds of years past, when the British Government could not prove anything desired, and against any one, by a set of hirelings of alien descent, who though perhaps born in Ireland, never possessed anything else in common with their place of birth.

The following is the text of the "Devil's Brief". The portions which, on after thought, were stricken out, will be shown in the facsimile:

PROOFS FOR THE TRIAL OF ROBERT EMMET, IN THE ORDER WHICH SEEMS TO ME MOST ADVISEABLE.

Rawlins	To prove his having said that he was come from Brussels.
Pyrell	The Lease of Butterfield & Dowdall's signature to it.
Frayne	Possession given, his living and establishment there, and how long he remained there.

Proofs for the Trial of Robert Emmet in the order which seems to me most advisable

~~Ramsay~~ to prove Rawlins — his hearing Said that he was employed by Bagnals — His hearing with Emmet by the name of Ellis & the payment of the Fees for Butterfield. — 3

Synnott — The Lease of Butterfield & Drodull's signature to it. —

Traynor — Profession given, his living and establishment there, and how long he remained there.

Fleming — seeing Emmet in the Inn Yard & Depot & his conduct there.

~~Farrell Sen~~ ~~Colgan Sen~~

Coleman — The Lease of the Depot to Howley.

Smithson — Who and what Howley was.

~~Sale~~

Farrell — seeing Emmet in the Depot and what passed there to the taking out of the Beams in the evening.

Colgan Jn

McCabe — That the people at first assembling were ignorant how they were to be armed, and how they were led to the Depot and armed there.

NB — This comprises Fleming. — Wilson can prove most of the same facts. —

Brady — The fighting with the Troops. —

Coultman

Rice — The Large Proclamation. —

Col Vassall — The Irish Proclamation. —

Alder Darley — some papers found in the Depot —

REPRODUCTION BY ANNA FRANCES LEVINS

THE DEVIL'S BRIEF AS PREPARED FOR ROBT. EMMET'S TRIAL

Evidence — to prove —	other papers found in the Depot.
~~Mr Gano & Mr Lambert~~	
~~Serjeant & Bolton~~	
Lindsay private	The Desk, Trunk, French Shirt,
Michael that Major Sug[n]	removal of the Desk & papers
	found in it. —
Doyle — — — — —	Emmets appearance in the Mountains, and the manner and circumstances of it —
Mr Robinson ~~Robertson~~ — — — —	If necessary, that Doyle told him the same story at the time.
Mrs Bagnell — — — —	That the Party in Green uniforms came to her House and there conduct there. —
Mrs Palmer — — — — —	Emmets first coming to her House in January or February under a feigned name & his stay and conduct there, his second coming in July with all the circumstances of it —
Joseph Palmer — — —	Many of the same matters if necessary & that by Emmets desire he did not put his Name at (Doe
Major Sirr — — — — —	The manner and circumstances of his arrest & the papers found.
~~Mr~~	
W. Patten	His Handwriting to the several papers above proved and to his Letter from Amsterdam if necessary.

REPRODUCTION BY ANNA FRANCES LEVINS

NB It may become necessary from Fleming's Examination to prove the time of the Explosion in Patrick Street if so.

Wilson Uncle prove it.

REPRODUCTION BY ANNA FRANCES LEVINS

Arraignment of

evidence — for

Summits trial

REPRODUCTION BY ANNA FRANCES LEVINS

Fleming	Seeing Emmet in the Inn Yard & Depot & his conduct there.
Farrell	Seeing Emmet in the Depot and what passed there to the taking out of the Beam in the evening.
Colgan	Do.
McCabe	That the people at first assembling were ignorant how they were to be armed, and how they were led to the Depot and armed there.
	N. B.—This confirms Fleming.—Wilson can prove most of the same facts.
Brady	The fighting with the Troops.
Coultman	———
Rice	The Large Proclamation.
Col. Vassall	The Small Proclamation.
Aldr. Darley	Some papers found in the Depot.
Evelyn	To prove other papers found in the Depot.
Lindsay private	The Desk, Trunk, French Shirt, removal of the Desk, and papers
Michael Chas. Frayne serj.	found in it.
Doyle	Emmet's appearance in the Mountains, and the manner and circumstances of it.
Mr. Robinson	If necessary, that Doyle told him the same story at the time.
Mrs. Bagnell	That the Party in Green Uniforms came to her House and their conduct there.
Mrs. Palmer	Emmet's first coming to her House in January or February under a feigned name & his stay and conduct there; his second coming in July with all the circumstances of it.
Joseph Palmer	Many of the same matters if necessary, & that by Emmet's desire he did not put his Name on the door.
Major Sirr	The manner and circumstances of his arrest & the papers found.
Mr. Patten	His Handwriting to the several papers above proved and to his Letter from Amsterdam if necessary.
	N. B.—It may become necessary from Fleming's Examination to prove the time of the Explosion in Patrick Street; if so, Wilson will prove it.
	Endorsed—Arrangement of evidence for Emmet's trial.

On securing from Dunn Emmet's letter to Miss Curran the Government was able to prove that the Proclamation purporting to have been issued by the Irish Provisional Government was in Robert Emmet's handwriting, but when the officials were informed by M'Nally that the prisoner would make no defence, they changed their plans and pursued a course which did not correspond with that outlined in the brief.

It is not improbable that Robert Emmet himself determined on following this course, but when decided, M'Nally, to maintain his influence, was obliged not only to acquiesce, but even to advocate it. By some fortunate circumstance this brief prepared for his trial on false or no evidence was not destroyed, but filed away with the other papers connected with the prosecution. It was prepared, beyond question, before the trial, when Emmet's handwriting could not be proved; a procedure which was then considered a legitimate one by the authorities, and when a conviction was desirable and the jury could be packed with a knowledge of the peculiar circumstances in this case, the suspicion becomes a conviction that this document is a "Devil's Brief",

and that the "arrangement of evidence for Emmet's trial" was gotten up without evidence and even before his arrest. This is based on the belief that by the order of the English Minister, Pitt, the police were the chief directors in the "Emmet insurrection". The required testimony, therefore, was, under the circumstances, not difficult to obtain at any time by drilling before the "trial" a sufficient number from the "Battalion of Testimony",* and it was easy to determine beforehand that "Wilson will prove it".

The document has been given in facsimile, on account of its great historical interest in connection with the trial of Robert Emmet, and the reader can compare the evidence given in the brief with the account of the trial in the newspapers, one of which has been reproduced; or more particularly with the official account of the trial as published by the Government and given in this work, as a whole, for the first time.

Robert Emmet was tried for high treason on September 19th, 1803, in the old Green Street Court House, where for many generations past all "political offenders" tried in Dublin have had their quota of injustice meted out to them. With the exception of the introduction of the gas-fixtures and the clock over the dock in which Robert Emmet stood throughout his trial, no change has been made in the appearance of the room since that time. The position of the judge is not shown in the representation of the room. The witness was placed in the chair shown between the judge's bench and the dock, while the jury occupied a small gallery on each side of the bench, a small portion of the one to the left being shown in the illustration close to the gas-fixture.

It is a well-known fact that Robert Emmet made no defence by the examination of witnesses, and this, it was thought, was done in accordance with the advice of his supposed friend and counsel, "Judas" M'Nally, who we know had long been a spy in the pay of the British Government.

Leonard M'Nally had been the confidential adviser of the United Irishmen, and he was almost invariably the counsel for their defence. It is, however, clearly shown by the "Cornwallis Correspondence" and other authorities that this man was throughout in the pay of the then existing Tory Government, and that he regularly betrayed to the prosecution, from day to day, the secrets confided to him by his clients. When the sentence of death was passed upon Robert Emmet, M'Nally threw his arms about his neck and kissed his cheek

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*Dr. Madden, in the first volume of "The Lives of the United Irishmen," second edition, page 465, gives a document furnished by a correspondent to the "Dublin Press" in 1798, in which it is shown that Major Sirr had at that time no less than sixty-one men in his employ who could turn their hands to any crime or dirty work at his bidding. Dr. Madden writes: "It appears by the statement of this correspondent, that the members of this battalion of testimony were regularly drilled by Major Sirr and an officer of the name of Fox, and instructed in the art of swearing, deposing, and their other business of informers and fabricators of information."

A certain number of these wretches seem to have been attached, with quarters furnished at every police center. They became experts with the use of the "pitch cap" and every species of torture.

When a Government official was about to "present," not infrequently, an innocent man, and it was thought advisable that the "friends of the Government" should not appear too prominent in furnishing evidence of the prisoner's guilt, these "loyal men" then proved most expert in "preparing witnesses" from the prisoners, who became at length willing to swear to anything that they might escape additional torture and preserve their lives.

The names of all those who bore false witness at the bidding of the representatives of the English Government in Ireland have never been published, but at least four of those who testified on Robt. Emmet's trial against the prisoner were on Major Sirr's staff, and beyond question M'Nally, his counsel, who was also in the pay of the British Government, would have accepted any testimony.

with apparent sympathy, and yet it is now known, from the Secret Service Money Expenditures which have been published, that on that day M'Nally was secretly paid one thousand pounds by the British Government, and that he was in the receipt of a secret pension until his death in 1820.

MacDonagh writes (The Viceroy's Post Bag, p. 397):

> It is ever thus in the record of Irish conspiracy—the vilest treachery walks hand in hand with the noblest heroism. Surely, in the black records of human baseness there is no viler name than that of "Leonard MacNally, the incorruptible".

Fitzpatrick (Secret Service Under Pitt, page 208), makes the statement:

> Catholics may care to know, though they will hardly attach much importance to the accession, that Leonard M'Nally, "after life's fitful fever", sank into the bosom of Rome. Father Smith of Townsend Street Chapel, on February 13th, 1820, gave him the last rites. This priest, having got word that the Counsellor wished to see him, went to his house in Harcourt Street, where Mrs. M'Nally informed him that her husband was then asleep, and must not be disturbed. M'Nally's son, who happened to be coming downstairs at the moment reproved his stepmother for the indisposition she evinced to admit the clergyman, adding: "Can't you let him go to the devil his own way?" and then conducted the priest to the sick man's room.

Beyond O'Grady's supposedly necessary effort to show that Robert Emmet was "the origin, the life and the soul of the Rebellion", no witnesses were examined. Therefore, it was entirely a gratuitous act on the part of Mr. Plunket to have seized the opportunity for uttering a violent philippic against the prisoner. As he had lost caste with the Government in consequence of his opposition to the Act of the Union, he hoped by this exhibition of patriotism to be placed again in the line of preferment. Although it is said he made a masterly effort, the effect was the reverse of what he had anticipated. It created a feeling of contempt for his course, even with many of those who were in sympathy with the Government.

The criticism of Mr. Michael MacDonagh on this trial (omitting all reference to Norbury), is as follows:

> Nevertheless, the trial of Emmet casts a black shadow over the otherwise brilliant lustre of the Irish Bar. The end of the eighteenth century and the opening of the nineteenth is regarded as its most illustrious period. Surely, it is also its most infamous! In its ranks at that time were men of imperishable renown, and pitiable creatures, self-seeking and base. John Philpot Curran, cruel to his daughter because he thought her relations with Emmet would spoil his chance of promotion to the bench. William Conyngham Plunket, atoning for his opposition to the Union by gratuitously libelling Emmet in a speech to the jury. Leonard M'Nally, betraying to the Government the compromising statements of his trustful and unsuspecting client. Each debased himself for preferment and pelf. What an ignoble trio? Truly, in Green Street Court House, Dublin, on that September 19th, 1803, honour, purity of motive, self-sacrifice, heroism, were to be found only in the dock.

It is now impossible to establish what was the exact form of Emmet's trial.

The first report in legal form appeared September 21st, 1803, on the day

after his execution, in the "The Hibernian Journal or Chronicle of Liberty", published in Dublin. Of this report the reader will be able to judge, as the newspaper has been reproduced in facsimile. The minutes of the trial were taken by several individuals, but before anything was published the manuscript had to be submitted to the authorities at the Castle, functionaries never known to make the slightest claim to truth or accuracy when a change was thought advisable. Since the first version was issued to the public, friend and foe have published it with omissions, owing to lack of space, and of late years nothing has been printed which contains it in its entirety, as it is now found in this book. One of the most common omissions was to print only a portion of the Grand Jury indictment, or to omit the whole, as if it formed no part of the trial. With Robert Emmet's speech it would be impossible to make any approach to the original utterance, but for the forethought of those who were almost cotemporary and hence able to consult those who were present at its delivery.

The writer has accepted as his model the report by William Ridgeway, a barrister of Dublin. This was issued without date, as "A Report of the Trial of Robert Emmet, upon an Indictment for High Treason". This report was probably the first issued in book form and has always been accepted as the most reliable. As it contains portions which have been omitted from other reports, it has been selected for reproduction from the beginning to the end.

On *Wednesday* the 15th he was arraigned on the following indictment:

County of the City of Dublin, to wit { The Jurors for our Lord the King, upon their oath present, that

Robert Emmet, late of *Thomas-street*, in the city and county of *Dublin*, Esq., being a subject of our said Lord the now King, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the Devil, as a false traitor against our said Lord the now King, his supreme, true, lawful and undoubted Lord, the cordial love and true and due obedience which every true and dutiful subject of our said sovereign Lord the King, towards him our said Lord the King should bear, wholly withdrawing and contriving and intending the peace and common tranquillity of this Kingdom to disquiet, molest, and disturb, and the Government and Constitution of this realm to change, subvert, and alter, and our said Lord the King from the Royal state, title, honour, power, Imperial Crown and Government of this kingdom to depose and deprive, and our said Lord the present King to death and final destruction to bring and put, he the said *Robert Emmet*, on the 23d day of *July*, in the forty-third year of the reign of our said Lord the King, at *Thomas-street* aforesaid in the city and county of the city of Dublin aforesaid, with force and arms, falsely, wickedly, and traitorously, did compass, imagine and intend, our said Lord the King, then and there, his supreme, true and lawful Lord, of and from the Royal state, crown, title, power and government of this realm to depose and wholly deprive, and our said Lord the King to kill and bring and put to death. And that to fulfil, perfect and bring to effect his most evil and wicked treason, and treasonable imaginations and compassings aforesaid, He, the said *Robert Emmet* as such false traitor as aforesaid, on the said twenty-third day of *July*, in the forty-third year of the reign of our said Lord the King, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, with force and arms falsely, maliciously and traitorously did meet, consult, combine, conspire, confederate and agree to and with divers other false traitors whose names are to the Jurors aforesaid

unknown, to raise, levy and make a public and cruel insurrection, rebellion and war against our said sovereign Lord the King, within this kingdom, and to procure great quantities of arms and ammunition, guns, swords, pistols, gunpowder and shot for the purpose of said rebellion, and to alter, subvert and overturn the Constitution of this kingdom, and the Government of our said Lord the King, of and in this Realm.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street*, aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet* as such false traitor as aforesaid, in further prosecutions of his treason and treasonable purposes aforesaid, falsely, maliciously and traitorously did procure great quantities of arms and ammunition, guns, swords, pistols, gunpowder and shot, and did then and there falsely, maliciously and traitorously make and prepare, and did cause and procure to be made and prepared a great number, to wit, 1000 pikes with intent that divers other false traitors, whose names are to the said Jurors unknown, should be armed with the said guns, swords, pistols and pikes, and being so armed should use the same, and the gunpowder, shot and ammunition aforesaid in and for the raising, making and carrying on insurrection, rebellion and war against our said Lord the King, and in and for the committing and perpetrating a cruel slaughter of, and amongst the faithful subjects of our said Lord the King in this kingdom.

And that afterwards, to wit, on the said twenty-third day of *July* in the said forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes aforesaid, falsely, wickedly and traitorously did associate himself with and did become one of a certain society of persons, then and there formed and associated, under the name of the Provisional government, for the purpose of raising; levying and making public war against our said Lord the King, within this realm, and of altering, subverting and overturning the Constitution of this realm, and the Government of our said Lord the King, of and in this kingdom, the said *Robert Emmet*, then and there well knowing the purpose for which the said Society was so formed and associated as aforesaid.

And that afterwards, to wit, on the said twenty-third day of *July*, in the forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes aforesaid falsely, wickedly and traitorously did make, compose and write a certain proclamation, manifesto and declaration, purporting to be a proclamation, manifesto, and declaration of and by the said *Provisional Government*, and purporting among other things, that the said *Provisional Government* had determined to separate that part of this kingdom called *Ireland*, from that part of this kingdom called *England* and for the purpose to make, levy, and wage open and public war against our said Lord the King and his troops within this realm, with intent that the said proclamation, manifesto, and declaration should be published as and for the proclamation, manifesto and declaration of the said *Provisional Government*, and that it should be spread amongst the people of this kingdom, and should incite them to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July* in the forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street*, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes aforesaid, falsely, wickedly and traitorously did make, compose and write a certain proclamation, manifesto, and declaration purporting to be a proclamation, manifesto, and declaration of and by divers persons to the jurors unknown then and there formed and associated together, under the name of the Provisional Government, and importing that the said persons so formed and associated had determined to separate

that part of this kingdom called *Ireland* from that part of this kingdom called *England*, and for that purpose to raise, levy and wage public war against our said Lord the King within this kingdom, with intent that the said proclamation, manifesto and declaration should be published and for the proclamation, manifesto and declaration of the said persons so formed and associated, and that it should be spread amongst the people of this kingdom, and should unite them to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes as aforesaid, falsely, wickedly and traitorously did keep and conceal and did cause and procure to be kept and concealed a certain proclamation, manifesto and declaration, purporting to be a proclamation, manifesto and declaration of, and by divers persons to the jurors unknown, then and there formed and associated together, under the name of the Provisional Government, and importing that the said persons so formed and associated had determined to separate that part of this kingdom called *Ireland*, from that part of this kingdom called *England*, and for that purpose to raise, levy and wage a public war against our said Lord the King within this kingdom, with intent that the said proclamation, manifesto and declaration should be published, as and for the proclamation, manifesto and declaration of the said persons so formed and associated, and that it should be spread amongst the people of this kingdom, and should incite them to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July*, in the forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes aforesaid, with a great multitude of persons, whose names are to the said jurors unknown, to wit, to the number of one hundred persons and upwards, armed and arrayed in a warlike manner, to wit, with guns, swords and pikes, being then and there unlawfully and traitorously assembled and gathered against our said Lord the King, falsely, wickedly and traitorously did prepare, levy, ordain and make public war against our said Lord the King, against the duty of the allegiance of him the said *Robert Emmet*, against the peace of our Lord the King, his crown and dignity, and contrary to the statute in such case made and provided.

And the jurors aforesaid, upon their oath aforesaid, further present, that an open and public war, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, and long before and ever since, hitherto by land and by sea, was and yet is carried on and prosecuted by the persons exercising the powers of government in France, against our said Lord the King, and that the said *Robert Emmet*, a subject of our said Lord and King, well knowing the premises, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, as a false traitor against our said Lord the King, his supreme, true, lawful and undoubted Lord, and contriving and with all his strength intending the peace and common tranquillity of this kingdom to disquiet, molest, and disturb, and the government of our said Lord the King, of this kingdom to change, subvert and alter, he the said *Robert Emmet*, during the war aforesaid, to wit, on the said twenty-third day of *July*, in the forty-third year of the reign of our said Lord the King, and on divers other days and times, as well before as after that day with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, unlawfully and traitorously was adhering to and aiding and comforting the said persons exercising the powers of government in France, and then being enemies of our said Lord the King, as aforesaid; and that in prosecution, performance, and execution of the said traitorous adhering of the said *Robert Emmet*, to the said persons exercising the powers of

government in France, afterwards and during the continuance of the said war, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin*, he the said *Robert Emmet*, as such false traitor as aforesaid, with force and arms, falsely, maliciously and traitorously did meet, consult, combine, conspire, confederate and agree to and with divers other false traitors, whose names are to the jurors aforesaid unknown, to raise, levy and make a public and cruel insurrection, rebellion, and war against our said sovereign Lord the King, within this kingdom, and to alter, subvert, and overturn the constitution of this kingdom, and the government of our said Lord the King, of and in this realm.

And that afterwards, to wit, on the said 23d day of *July* in the forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes last mentioned, falsely, maliciously, and traitorously did make and prepare and did cause and procure to be made and prepared a great number, to wit, one thousand pikes, with intent that divers other false traitors whose names are to the said Jurors unknown, should be armed with the said pikes, and being so armed, should use the same in and for the raising and carrying on insurrection, rebellion and war against our said Lord the King, and did then and there procure great quantities of arms and ammunition, guns, pistols, swords, pikes, gunpowder and shot, for the purpose of the said insurrection, rebellion and war.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes last mentioned, falsely, wickedly and traitorously, did associate himself with, and did become one of a certain society of persons, then and there formed and associated under the name of the Provisional Government for the purpose of raising, levying and making public war against our said Lord the King within this realm, and of altering, subverting, and overturning the constitution of this realm, and the government of our said Lord the King, of and in this Kingdom, the said *Robert Emmet*, then and there well knowing the purposes for which the said society was formed and associated as aforesaid.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes last mentioned, falsely, wickedly and traitorously did make, compose and write a certain proclamation, manifesto and declaration, purporting to be a proclamation of and by the said Provisional Government and purporting, amongst other things, that the said Provisional Government had determined to separate that part of this kingdom called *Ireland*, from that part of this kingdom called *England*, and for that purpose to make, levy and wage open and public war against our said Lord the King, and his troops, within this realm, with intent that the said proclamation, manifesto, and declaration should be published as and for the proclamation, manifesto, and declaration of the said Provisional Government and should be spread amongst the people of this kingdom, and should incite to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms, at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes last mentioned, falsely, wickedly and traitorously did make, compose and write a

certain proclamation, manifesto and declaration, purporting to be a proclamation, manifesto and declaration of and by divers persons to the Jurors unknown, and then and there formed and associated together under the name of the Provisional Government, and importing that the same persons so formed and associated had determined to separate that part of this kingdom called *Ireland*, from that part of this kingdom called *England*, and for that purpose to raise, levy and wage a public war against our said Lord the King, within this kingdom, with intent that the said proclamation, manifesto and declaration should be published as and for the proclamation, manifesto and declaration of the said persons so formed and associated, and that it should be spread amongst the people of this kingdom, and should incite them to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July*, in the said forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, the said *Robert Emmet*, as such false traitor aforesaid in further prosecution of his treason and treasonable purposes last mentioned, falsely, wickedly and traitorously did keep and conceal, and did cause and procure to be kept and concealed a certain proclamation, manifesto, and declaration, purporting to be a proclamation, manifesto and declaration of and by divers persons to the Jurors unknown, then and there formed and associated together under the name of the Provisional Government, and importing that the said persons so formed and associated had determined to separate that part of this kingdom called *Ireland* from that part of this kingdom called *England*, and for that purpose to raise, levy, and wage a public war against our said Lord, the King, within this kingdom, with intent that the said proclamation, manifesto and declaration should be published as and for the proclamation, manifesto and declaration of the said persons so formed and associated, and that it should be spread amongst the people of this kingdom, and should incite them to enter into and continue in rebellion and war against our said Lord the King.

And that afterwards, to wit, on the said twenty-third day of *July*, in the forty-third year of the reign of our said Lord, the King, with force and arms, at *Thomas-street* aforesaid, the said *Robert Emmet*, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes last mentioned, with a great multitude of persons, whose names are to the said Jurors unknown, to wit, to the number of one hundred persons and upwards, armed and arrayed in a warlike manner, to wit, with guns, swords and pikes, being then and there unlawfully and traitorously assembled and gathered against our said Lord the King, falsely, wickedly and traitorously did prepare, levy, ordain and make public war against our said Lord the King, against the duty of the allegiance of him, the said *Robert Emmet*, against the peace of our said Lord the King, his crown and dignity, and contrary to the form of the statute in such case made and provided.

And the Jurors of our said Lord the King, upon their oath do further present, that the said *Robert Emmet* being a subject of our Lord the now King, and not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the Devil, and entirely withdrawing the love and true and due obedience which every subject of our said Lord the King, should and of right ought to bear towards our said Sovereign Lord the King, and wickedly devising and intending to disturb the peace and public tranquillity of this kingdom, on the twenty-third day of *July*, in the forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of Dublin aforesaid, unlawfully, maliciously and traitorously did compass, imagine and intend to raise and levy war, insurrection and rebellion gaainst our said Lord the King, within this kingdom; and in order to fulfil and bring to effect the said traitorous compassing, imaginations and intentions of him the

said *Robert Emmet*, he, the said *Robert Emmet*, afterwards, to wit, on the said twenty-third day of *July* in the forty-third year of the reign of our said Lord the King, with force and arms at *Thomas-street* aforesaid, in the city and county of the city of *Dublin* aforesaid, with a great multitude of persons whose names are to the Jurors unknown, to a great number, to wit, to the number of one hundred persons and upwards, armed and arrayed in a warlike manner, to wit, with swords, guns, and pikes, being then and there unlawfully and traitorously assembled and gathered together against our said Lord the now King, wickedly, maliciously and traitorously did ordain, prepare, levy and make public war against our said Lord the King, his supreme and undoubted Lord, contrary to the duty of the allegiance of him, the said *Robert Emmet*, against the peace of our said Lord the King, his crown, and dignity, and contrary to the form of the statute, in such case made and provided.

This legal instrument is certainly a literary curiosity, unnecessary from the standpoint of legal intricacy, but compiled for the sole purpose of impressing the public with the importance of the case, in the care of which nothing was overlooked or neglected.

An' sure what does it matter what England promises? Won't she break her promise, anyway, as soon as it suits her, and she is able to?

James Hope.

The outrages committed by the Orange yeomanry and militia were so monstrous that the brave Sir John Moore exclaimed: "If I were an Irishman I would be a rebel."
Rev. Patrick F. Kavanagh.

Chapter XVI

Proceedings in Trial—Constitution of Court—Sits pursuant to adjournment Sept. 19, 1803—Court formed—O'Grady, Attorney-General, opens indictment—Main points—Emmet's action aggravated by consideration of French Revolution—That Revolution not road to liberty—Indictment framed on Statute 25 of Edward III—Death of King not being immediately compassed, indictment presents certain overt acts disclosing "traitorous imagination"—Jury must decide existence of conspiracy and prisoner's participation therein—Congratulates Government on vigilance and firmness—Presents Emmet as head of rebellion—Dwells on his stay in France—Speaks of the Manifesto of Treason—Of his change of residence and name—Sees connection between King's Message in March, 1803, regarding expected rupture with France and establishment of depot in Patrick Street—Describes movements up to July 16, when explosion occurred—Overt acts tending to displace the King—Speaks of paper found in depot as product of a disturbed and infatuated mind—Derides Provisional Government, Emmet's threats against Castle, the uniforms and titles of himself and associates—Only mentions names that must necessarily appear upon particular indictment before Court and Jury—Ridicules force at disposal of Emmet, with halter swinging before rebel eyes after defeat—Throws doubts on Emmet's courage—Documents of various kinds found at Butterfield Lane—Tries to show Emmet tried to revive sectarian spirit by his address to Orangemen—Calls Jury's attention to military passages in writings—Describes Emmet's escape and movements after failure of rising and his return to Dublin City—Shows him throwing aside his uniform and in prison cell "trembling at every blast", with visits of friends his only consolation—His conversations with them—Scenes at Palmer house at time of arrest by Major Sirr—His despondency and doubt concerning a French invasion—Letter to the Government and differentiation between the English and Irish supporting it—Follows line along which these items lead and points out to Jury their duty under circumstances depicted.

T this time juries were difficult to obtain unless packed by the regular hacks collected at the Castle for "Government purposes". Therefore, in so prominent a case as Robert Emmet's, it was thought advisable to attract as little publicity as possible, and to appoint a Special Commission to try him and his associates.

Monday, September 19th, 1803.

The Court sat pursuant to Adjournment.

Judges present—Lord Norbury, Mr. *Baron* George, and *Baron* Daly.

Robert Emmet, Esq., was put upon his trial.

He had been brought into Court upon the 7th of this month, and then informed, that a Bill of Indictment for High Treason was found against him, and he was desired to

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Courtroom, Green Street, Dublin, where Robert Emmet was tried

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name his Counsel and Agent, which he did—but some alterations afterwards took place at his own desire, and the Counsel and Agent ultimately assigned, were Mr. BURROWES and Mr. MACNALLY, Counsel; and Mr. *L. MacNally*, Agent.

Here follows the indictment as given in the preceding chapter.

The Prisoner pleaded. *Not Guilty*—and being asked, was he ready for trial, said he would be ready on *Monday;* to which the ATTORNEY-GENERAL consented and the Court adjourned.

Accordingly on this day *Monday*, 19th *September*, Mr. *Emmet* was put upon his trial.

Judges present—LORD NORBURY, Mr. Baron GEORGE, and Mr. Baron DALY.

The following Jury was sworn, after twelve were set by on the part of the Crown—two were challenged by the Prisoner for cause, not having freeholds in the city—nor being freemen thereof, and nineteen challenged peremptorily:

John Geale,	W. G. Galway,
John Dickson,	Charles Harte,
Robert Turbett,	Benjamin Holmes,
Daniel Kinahan,	John Lloyd,
Beaver Buchannan,	Walter Locke,
William Davis,	Thomas Palmer.

The Prisoner was given in charge.

Mr. O'GRADY opened the indictment.

Mr. ATTORNEY-GENERAL.

My Lord, and Gentlemen of the Jury:

It is my duty to state as concisely as I can, the nature of the charge, which has been preferred against the Prisoner at the bar; and also, Gentlemen, the nature of the evidence, which will be produced to substantiate that charge. It will require upon your part the most deliberate consideration: because it is not only the highest crime of which at all times the subject can be guilty; but it receives, if possible, additional aggravation, when we consider the state of *Europe*, and the lamentable consequences which revolution has already brought upon it.

Perhaps at former periods some allowances might be made for the heated imaginations of enthusiasts; perhaps an extravagant love of liberty might for a moment supersede a rational understanding, and men might be induced, for want of sufficient experience or capacity, to look for that liberty in revolution. But sad experience has taught us, that modern revolution is not the road to liberty. It throws the mass of the people into agitation only to bring the worst and the most profligate to the surface. It originates in anarchy, proceeds in bloodshed, and ends in cruel and unrelenting despotism.

Therefore, Gentlemen, the crime of which the Prisoner stands charged demands the most serious and deep investigation, because it is in its nature a crime of the blackest dye, and which under all existing circumstances does not admit of a momentary extenuation.

Gentlemen, the Prisoner stands indicted upon a very ancient statute—the 25th of *Edward III*—and the indictment is grounded upon three clauses. The first relates to compassing and imagining the death of the king—the second to adhering to his enemies—and the third to compassing to levy war against him. The two latter, namely, that of adhering to the king's enemies, and that of compassing to levy war are so intelligible in themselves, that they do not require any observation upon them. But the first does admit of some technical consideration, and may require upon my part a short explanation.

In the language of the law, compassing the death of the King does not mean or

imply necessarily any immediate attack upon his person. But any conspiring, which has for its object an alteration of the laws, constitution and government of the country by force, uniformly leads to anarchy and general destruction, and finally tends to endanger the life of the King.—And, therefore, where that design is substantiated and manifested by overt acts,—whenever the party entertaining the design, uses any means to carry his traitorous intentions into execution, the crime of compassing and imagining the death of the King is complete.

Accordingly, Gentlemen, this indictment particularly states several overt acts by which the prisoner disclosed the traitorous imagination of his heart.—And, Gentlemen, if it shall be necessary, those particular overt acts, and the applicability of the evidence which will be produced to support them, will be stated at large to you by the Court; and, therefore, it will not be necessary for me now to trespass upon the public time, by a minute examination of them.—

Gentlemen, having heard the charge against the prisoner, you will naturally feel that your duty will require an investigation into two distinct points: *First*, "Whether there has, or has not existed, some traitorous conspiracy and rebellion for the purpose of altering the Law, the Constitution and the Government of the Country by force?" And *Secondly*, "Whether the prisoner has in any, and what degree participated in that conspiracy and rebellion?"

Gentlemen, I was happy upon the opening of this Commission to have stated to the public, through the Jury, which I had the honour to address, that this rebellion, dark as it was in its object, and mischievous in its design, was in truth in point of numbers, contemptible in the extreme, and that it was prepared and put forward by those only who had been distinguished for their former treasons.—I am happy to state now, with more confidence, that during the investigation which has taken place here, what I then stated has turned out to be precisely the fact.—I then also congratulated the public upon the tranquillity of the country; and I am happy at this period to be able to renew those congratulations and to state that notwithstanding the cruel and dastardly efforts of that rebellion, peace and tranquillity now reign throughout the land. I did not then, nor will I now, state any prospective views of my own.—I do not wish to undertake to speak in the prophetic. But when I consider the vigilance and firmness of his Majesty's Government, and the spirit and discipline of his Majesty's troops, and that armed valour and loyalty, which, from one end of the country to the other, has raised itself for the purpose of crushing domestic treason, and, if necessary, of meeting and repelling a foreign foe, I do not think it unreasonable to indulge a sanguine hope, that a continuance of the same conduct upon the part of the Government, and of the same exertions upon the part of the people, will long preserve the nation free, happy and independent.

Gentlemen, upon former occasions, persons were brought to the bar of this court, implicated in the rebellion, in various though inferior degrees. But if I am rightly instructed, we have now brought to the bar of justice, not a person who has been seduced by others, but a Gentleman to whom the rebellion may be traced, as the origin, the life and the soul of it. If I mistake not, it will appear, that some time before *Christmas* last, the prisoner, who had visited foreign countries, and who for several months before had made a continental tour, embracing *France*, did return to this country, full of these mischievous designs which have been now so fully exposed. He came from that country, in which he might well have learned the necessary effects of revolution; and, therefore, if he be guilty of the treason, he embarked in it with his eyes open, and with a previous knowledge of all its inevitable consequences. But, notwithstanding, I am instructed that he persevered in fomenting a rebellion, which I will be bold to say, is unexampled in any country, ancient or modern. A rebellion which does not complain of any existing grievances, which does not flow from any immediate oppression, and which is not pretended to have been provoked by our mild and gracious King, or by the administration em-

ployed by him to execute his authority. No, Gentlemen, it is a rebellion which avows itself to come, not to remove any evil which the people feel, but to recall the memory of grievances which, if they ever existed, must have long since passed away, the provocations of 600 years have been ransacked—the sufferings of our ancestors have been exaggerated, our state in former ages, and at various remote times misrepresented, in expectation of extracting from the whole something like a provocation to justify a revolution, which at the present hour and moment could have no rational foundation. We live under a constitution which we love; free, affluent and happy, rebellion can find no incentive in our present condition and we feel the happy effects of beneficial laws. Of the just administration of them there is no colour of complaint. But this rebellion is to arise from the ashes of our ancestors, and we are called upon to relinquish our own happiness to vindicate their wrongs—they are represented to have been slaves, and therefore we are called upon not to live contented as freemen. But as there is no motive for rebellion now, neither can it be conciliated hereafter. The manifesto of treason wages eternal war against the British constitution—the resentment of its enemies is implacable—their resolution is fixed and determined—no kindness shall soothe them—no good administration shall reconcile them—no clemency shall assuage them. Rebels they are at heart, and against the mildest administration of our government they proclaim a perpetual and unrelenting hostility.

Gentlemen, it may be here supposed, that I am from the warmth of my own feelings, giving a colour to the cause which it does not deserve. I should be sorry to do it. But in the very first paragraph of their proclamation, after avowing a separation from *England*, they tell the government "that there is a spirit of perseverance in the country beyond their power to calculate or repress", "that under no change of circumstances can they count upon the obedience of *Ireland*.—Under no aspect of affairs can they judge of its intentions".—So let the government be mild and merciful, and the subjects free and contented—let the laws be just, and the administration of them pure, it will work no alteration in the minds of these enthusiastic reformers; the government may improve, but they are resolved not to imitate its example. They have already devoted their country to all the horrors of civil war, and the inveterate malignity of their resolution will admit of no relaxation.

Gentlemen, having stated to you what the horrid object of the conspiracy was, I shall very shortly submit to you the means which were taken by the Prisoner to carry it into effect.—I have already stated that I consider him as the origin of that rebellion.—I will now state the facts upon which I founded that assertion. His proclamation—for I impute it to him—states that this system of treason has been organized within the last eight months. Now I find this gentleman's arrival in *Ireland* to have been previous to Christmas 1802, which was just eight months before the Rebellion broke out—and, therefore, a fair inference arises, that this gentleman's arrival in this country from France, is the source in which the Rebellion may be traced; and the conduct adopted by him leaves little room to suppose I can be mistaken in this conjecture. He might have found the embers of the Rebellion of 1798, but he shortly blew them into life and animation. His machinations had not proceeded far, when, for his security, he found it necessary to change his residence and his name. Accordingly, we find him in an obscure house in *Harold's-cross*, during the spring of the year.—There he assumed the name of *Hewitt*, and was visited by persons who inquired for him by that name—while he continued there, he went by no other. Thus, I am instructed to tell you, he proceeded clandestinely, and under an assumed name, for a considerable period of time, not passing much of it within doors at *Harold's-cross*, but acting that part which was adapted to his views.—There he continued until early in *March*.

Gentlemen, you all recollect the King's message to the House of Commons from which it was to be collected that a rupture would probably take place between this United Kingdom and *France;*—that was early in March.—That circumstance was a very consider-

able stimulative indeed, to the treason which had been heretofore set on foot in this country; and accordingly, upon the 24th of the same month, that memorable depot of which you have all heard so much, was taken by the conspirators; the lease of it is dated the 24th of *March*, 1803. About the same period there were various other depots established in the city to receive arms and ammunition, and among others, one, which is necessary to be mentioned in *Patrick-street*, where you recollect an explosion took place in the month of *July*.

Having thus embarked pretty deeply and hired several houses in the city for the purpose of carrying on the treason, the Prisoner found that his residence in *Palmer's* house in *Harold's-cross* was incompatible with the enlarged sphere of action in which he was engaged, and he removed to a house in the vicinity of *Rathfarnham*, in a place called *Butterfield-lane*, for this house he paid a fine of 61 guineas—on the 27th of *April* he got possession of it, and the lease was executed upon the 10th of *June*. He took that lease under the name of "*Robert Ellis*"—he made the agreement, paid the fine, and signed the leases with the same name; and if any collateral circumstances were wanting to induce suspicion upon this transaction; I am to state, that one of the witnesses to the lease was a gentleman of the name of *John Dowdall*, a personage of much treasonable celebrity. He, too, like his companion, did not always bear his own name (and indeed I admit he might have readily changed it for a better). But the Attorney who carried out the leases happened to be a countryman of *Dowdall's* and perfectly known to him. When *Dowdall* saw him, it occurred to him that the name of *Frazer*, which was the name he assumed, would not answer upon that occasion, and, therefore, he attested the leases with his own real name. When the leases were executed and the parties retired from the house of Mr. *Frayne*, who, as executor of one *Martin*, was the lessor in the lease, Mr. *Tyrrell*, the attorney, asked him if he knew the gentleman with whom he had concluded the bargain; he said he did not, but his co-executor, one *Rooney*, who had made the agreement originally and received the money, might know something about them, but he believed he was equally uninformed with himself. I fear, said Mr. *Tyrrell*, if they are all like *Dowdall*, that they can be about no good purpose. He never was distinguished as a very good subject, and I fear his visit to *Fort-George* has not much improved his constitutional feelings.

Gentlemen, we were at that time in profound domestic peace. Every man thought himself secure.—He knew what might be expected from abroad and we were prepared to meet it with firmness and composure. But with regard to domestic treason, the mild conduct of the government towards the people, and the clemency extended even to traitors themselves, gave reason to hope we should no longer be disturbed by intestine machinations. But there is an evil spirit in some which no mercy can subdue, and it has been unhappily found that where the generous feelings of the human mind are extinct, it is easier to intimidate than convert. Mr. *Frayne* was deceived, tho' he saw no furniture in the place but one mattrass upon which they occasionally slept, as if they were in camp, though he found them frequently visited by strangers and yet seldom by more than one at a time, and that they sat up late at night, as if upon consultations, yet he entertained no suspicion for the public safety—if in truth he had suspected their mischievous designs, in one hour the whole party would have been taken. But he did not interfere or molest them. Providence permitted them to proceed that the proof of their guilt may be more notorious.—These persons continued in this retreat, under these suspicious circumstances, until the explosion in *Patrick-street*, which took place on the 16th of *July;* this circumstance made it imperative upon them to do something quickly, or their treason would be discovered. Accordingly, if I am not mis-instructed, immediately after this explosion, these gentlemen, who had been theretofore occasionally absent for a night or two, altogether deserted their habitation in *Butterfield-lane*, and took up their residence in the City of *Dublin*.

Gentlemen, I impute to the Prisoner that, immediately after this explosion, he not only came into town for the purpose of forwarding the rebellion, but that he made that cele-

brated *depot,* which was afterwards discovered, the place of his residence and his rest.—I trace him to that *depot,* as I would trace any of you to your houses.—You will find him there the master of the family—superintending the formation of pikes and ball cartridges—inspecting the ammunition—inspecting the arms—occasionally writing at his desk—once, I think, taking out the original manuscript from which the proclamation was afterwards printed and reading it to the Rebel Guards, which surrounded him—at another time in a playful and sportive mood taking his regimentals from his desk—putting them on and telling his admiring audience what mighty feats he intended to perform in them; and in short, you will find him in this *depot* what he expected to be in the country at large—the acting manager, making every thing his own, and every person obeying his directions.

Gentlemen, it will appear to you that there was in that depot, a mattrass, upon which we suppose that he occasionally slept; if indeed, under such circumstances, it is not going a little too far to suppose, that any man could sleep—his mind must have been of more than ordinary temperature, if his slumbers were not a little disturbed.—Surrounded as he was with the implements of death, prepared and collected by himself for the purposes of civil war, and the destruction of his fellow-citizens, he could not easily enjoy soft natural repose.

If he did, it must have been produced by that wearying perturbation of mind, agitated by enthusiasm, which listens not to reason, but shaping every thing to its own hopes, and believing that probable which is remotely possible, gives to the phantoms of a disturbed brain, the substance and stability of truth.—Under such circumstances, no man could lay his head upon his pillow, and call upon his God to lighten the darkness which surrounded him and to preserve him from the perils and dangers of the night. What mind could take refuge in the consolations of religion, while it was occupied in meditation how to drag our gracious Monarch from his hereditary throne, and to immerse him in the blood of his subjects? But the reflections of reason cannot be applied to the ravings of enthusiasm!

I shall be able by reading an extract from a paper (which was found in the depot, and which I personally attribute to the prisoner), to give you a better description than my own of that disturbed and infatuated mind, which throws itself down the precipice, unconscious of its ruin. It is inimitably descriptive of that infatuated state of mind, which, unfortunately for him, and unfortunately for mankind, has produced so much modern mischief—speaking of himself, he says—"I have little time to look at the thousand difficulties which still lie between me and the completion of my wishes—that those difficulties will likewise disappear I have ardent, and I trust, rational hopes, but if it is not to be the case, I thank God for having gifted me with a sanguine disposition; to that disposition I run from reflection, and if my hopes are without foundation, if a precipice is opening under my feet, from which duty will not suffer me to run back, I am grateful for that sanguine disposition which leads me to the brink, and throws me down, while my eyes are still raised to the vision of happiness, that my fancy formed in the air."

No man, who has not felt enthusiasm could describe it so well. Ill-fated and delirious passion, which bestows the colour of virtue upon the extravagance of vice, and feeds with rapture upon the delusions of hope, to the moment of its dissolution.—But let me call upon the sober understandings of those who never felt its operations, and ask why they participate in its madness? Can the deluded peasantry be brought to join in wild projects without feeling the impulse which gave them birth? Can they listen to the voice of a man, who avows that he acts not from the dictates of reason or reflection, but who flies from both to the delusions of fancy, nor suffers the delicious dream to evaporate until the unhappy victim is relieved from his disturbed imagination, and sinks into eternal rest? Do they mean to unite their fortunes to his, or do they not rather imagine when they hear of *"The Provisional Government"* that it is composed of wisdom, caution and prudence?—They little know, that it is a composition of heated minds, and disordered passions, which

supersede the judgment and annihilate the understanding.—If they doubt the fact, I request they may take it from the CONSPIRATOR himself—Let them listen to *his* voice, and not to *mine*, and let them learn to withdraw from that precipice, the peril of which is not within their calculation, when they embark in his designs.

Gentlemen, to the same unhappy feelings is to be attributed the conduct of the Prisoner upon the day of the attack. I find him in the morning vaunting of his powers and promising victory—I find him in idle exclamations, declaring that "he will make the Castle *tremble* that night!"—I trace him to the *depot*, and there I find him haranguing his men, encouraging them to action—inspecting his ammunition anew—arming himself, and dressing in his regimentals—I find him clothed in *green*, assuming the rank and title of GENERAL. I find upon one side of him the same *William Dowdall*, as his *Lieutenant-General*, and upon the other side a man of no superior distinction, one *Stafford*, a baker. I am unwilling to mention any names but those which of necessity must appear in the prosecution of this enquiry; and one great object, while enquiry is afloat, is not to bring forward more than must necessarily appear upon the particular indictment before you. A further disclosure would not only be unnecessary, but unjust. Another of his *Lieutenant-Generals* whom I may mention was *Michael Quigley*, formerly an eminent bricklayer, and who had been sent to travel for life under *The Banishment Act*. Of three persons, you see that one was a man whose former conduct had been passed over, and who was not excluded from a residence in this country —another was a man sent into temporary banishment and who after a slight purgation at *Fort George*, was permitted to return, and the third, who had been transported for his treasons forfeited his life by the very act of returning amongst us. So that when I give this glance of the *Provisional Government*, I am happy again to observe, that I find no new talent, no new property, no new character embarked in this conspiracy; and if the people of *Ireland*, who are not insensible to the influence of rank and character, could but take one glance at the precious materials of which this *Provisional Government* is formed, I think it would for ever cure them of revolutionary speculations.

Gentlemen, I do not wish to give any description of the Prisoner. Let him be spoken of by others—I wish not, in his present unfortunate circumstances, to say anything that could appear to depreciate his situation; but from his years, he was not calculated to become the key-stone of such an arch—the head of this conspiracy. The second is a man who was originally known to you as Secretary of the Whig-club, who afterwards resided at *Fort George*, and who has latterly been an itinerant clerk with little lawful occupation. The third had been banished by Act of Parliament for Treason, and the fourth has been a baker in *Thomas-street*. These were the principal conspirators, and General officers upon that memorable night, and I do repeat it, that if the deluded people of *Ireland* would take a glance behind the scene and discover this highly vaunted *"Provisional Government"*, sitting upon that second floor of a malt-house, meditating without means, and marshalling armies that they had never enlisted,—if they could see the prisoner, the prime leader of this all-powerful authority, and his immediate supporters, composed of clerks, bankrupts and mechanics, and those again surrounded by 50 or 60 persons distinguished only for their crimes; I say, they would form a very different notion of that *"Mighty Consulate"!* with whose fortune they have united, from that which perhaps they have been for a moment seduced to entertain.

But the appointed hour arrives—the prisoner puts himself at the head of his motley *Banditti*—the party at this time amounts not to 100 men, but there is an expectation of numerous recruits arriving from the country, they are expected to approach through every avenue. He marches out with his pistols on either side, and his sword glittering in the air—the implements of death are distributed amongst his crew. He leads them into *Thomas-street*, and even there this mighty army does not amount to as many men as have since attended the execution of any of these unfortunate persons. The people took a moment for reflection—they saw the misery

to which they were devoting the country, and the immediate destruction in which they were involving themselves; they refused to assemble at the call of this self-created government, and when the moment of attack arrived, after eight months premeditation, there was to be seen a General without an army—Colonels without regiments—Captains without companies. They had counted recruits upon paper—they had prepared ammunition, they had stored up arms, and had every necessary ingredient for rebellion,—but men.—I am happy to dwell upon every circumstance that can contribute to shew the returning good sense of the people. Their manner of reasoning upon the subject may have been very simple and conclusive: "Shall we enlist in the Rebel Army—*without bounty*—shall we serve in it *without* pay—shall we incur the risk of being *killed* in the battle—and the still greater danger of being *hanged*, if we survive?" Arguing thus, they find, that his Majesty's is a more honourable, a more secure, and a more profitable service. When they wish to join his ranks they are paid bounty upon enlisting, they receive pay while they serve, they share an honourable danger in the field of battle, and the survivors live to receive the thanks and the gratitude of their country.* The loyal soldier feels not like the rebel, whose worst fears arise when the danger of the battle is over, when the sword is removed from his view, the still more formidable halter swims before his eyes and haunts him with a terrific vengeance better adapted to his guilt. Upon this fatal evening, the infatuated few who composed the mob came forward only to fly, and that rebellion which was to have taken the Castle, annihilated the Government and dethroned the King, fled precipitately in every direction, and I am at a loss to say whether the General led the way, or became a follower in the flight.

What part did the prisoner take in that remarkable transaction, after we left him in *Thomas-street* at the head of his paltry band, I am not instructed to detail. The pusilanimous cruelty of his rabble, though it shrunk from combat, indulged itself in the indiscriminate massacre of the unoffending and unprotected. He either continued with them and participated in their crimes, or what is perhaps a more charitable conjecture, he retired to some other malt ware-house to receive in council the keys of His Majesty's Castle, or possibly his understanding returned when it was too late, and finding at length the result of his boasted effort to accomplish the revolution, he and his brother generals fled. But without pursuing them further in their progress, for a minute I will call your attention to the depot, which he abandoned, and the papers which were found in it. I shall not harass your feelings or distress my own by stating the atrocities of the night—excesses were committed which disgraced the capital. It is unnecessary and painful to dwell upon them. This famous arsenal of treason, so strongly garrisoned at an early part of the evening, and which contained such stores of ammunition, was carried by the assault of a private soldier with a pistol in his hand. The contents of this depot, now so notoriously known will be detailed to you in evidence. There were found in it several suits of regimentals—some stands of rebel colours, and particularly a small desk, which belonged to the prisoner, and from which it appears he had occasionally taken his regimental coat and several papers, and at which he was in the habit of writing. Amongst the papers found there was a letter from *Thomas Addis Emmet*, the Prisoner's brother; it is directed to "Mrs. *Emmet*", but at the inside appears to be addressed and written to the Prisoner himself. I mention it not on account of its contents, but as shewing along with other circumstances, the Prisoner's presence in the depot, and his property in the desk:—there was found a song addressed to him under the name of *Robert Ellis, Butterfield*, which not only

*If the people of Ireland who had been working with Robert Emmet during the eight preceding months held any such views as are here credited to them he was fully justified in the bitter expressions he is said to have uttered when he realized that he had been misled and finally deserted. We shall see from the testimony during the trial that he is reported to have said the Irish people were incapable and unworthy of redress for their barbarous desertion and want of unanimity shown towards him at the time of the uprising. Robert Emmet would never have discredited the Irish people at large had he known or fully appreciated the truth as to his surrounding on the night of his desertion.

connects him with the desk and papers, but confirms a former transaction which I stated to you; there was found also a long treatise upon the art of war, which is a further circumstance to connect him with the design; there was also found a copy of the greater part of the large proclamation; some of the foremost papers have been lost, but sufficient remains to shew it was an original draft; and that the printed copy was taken from it; it is in various parts interlined, and words are altered, which give to it every appearance of a composition; and, indeed, to suppose a man would sit down to write out in manuscript, of which he had several thousand printed copies, is a loose conjecture, which, if it should be pretended, it will be scarce necessary to refute. There were also found not only a great number of those proclamations, which have been so often proved upon former occasions; but also another to which I shall shortly call your attention. The large proclamation is addressed by *"The Provisional Government* to the people of *Ireland"*, the other is addressed *"to the citizens of Dublin"* only, and it avows what I before stated, that there is a connexion between this and the late rebellion, and indeed it appears upon every occasion that those who provoked the present were amongst those who escaped the punishment due to the former.

It begins—"A BAND OF PATRIOTS, mindful of their oath, and faithful to their engagement as UNITED IRISHMEN, have determined to give *freedom to their country* and put a period to the long career of ENGLISH OPPRESSION". And what is the oppression which is exercised over us? We live under the same King, we enjoy the same constitution, we are governed by the same laws, we speak the same language*, the same fleets and armies protect us, we have common friends and common enemies, in short, we are united by every tie of interest, affinity and affection.—But this is justly considered oppression by the same species of logic which considers a connexion with the despotism of France as the means of promoting our freedom.—This proclamation then goes on to state "that from the extremity of the North to that of the South there is an universal co-operation". And I am happy to say that there has been a co-operation very different for that which was projected, a zealous and hearty concurrence of all ranks of people in support of their King and constitution. You will recollect, gentlemen, that in the large proclamation there was a studied endeavour to persuade a large portion of the people that they had no religious feuds to apprehend from the establishment of a new government. But the manifesto upon which I am now animadverting has taken somewhat a different course, and has revived religious distinctions at the very moment in which it expresses a desire to extinguish them. "ORANGEMEN, add not to the catalogue of your follies and crimes; already have you been duped to the ruin of your country in the legislative union with its tyrant; attempt not an opposition, return from the paths of delusion, return to the arms of your countrymen, who will receive and hail your repentance.

"Countrymen of all descriptions, let us act with union and concert, all sects, Catholic, Protestant, Presbyterian, are equally and indiscriminately embraced in the benevolence of our object". I will not apply to this passage all the observations that press upon my mind, because I am sincerely desirous that one feeling and one spirit should animate us all; I cannot but lament that there should be so many sectaries in religion, but trust in God there will be found amongst us but one political faith. But this manifesto is equally unfortunate in every instance in which it prescribes moderation.—Attend to the advice by which it instigates the citizens of Dublin: "In a city each street becomes a defile and each house a battery; impede the march of your oppressors, charge them with the arms of the brave, the pike,

*The speaker, as an English sympathizer and with the same high appreciation of the truth, must, if he possessed any sense of humor, have greatly enjoyed this Utopian sketch, knowing, as he did, that eight out of every ten of the population, as a "Papist," and speaking only the Irish language, had no legal existence or protection of the law in the country. Every law then existing was without exception issued for the benefit of only two-tenths of the population.

and from your windows and roofs hurl stones, bricks, bottles, and other convenient implements, on the heads of the satellites of your tyrant, the mercenary, the sanguinary soldiery of ENGLAND". Having thus roused them, it throws in a few words of composure, "repress, prevent and discourage excesses, pillage and intoxication"; and to insure that calmness of mind which is so necessary to qualify them for the adoption of this salutary advice, it desires that they will "remember against whom they fight, their oppressors for 600 years, remember their massacres, their tortures, remember your murdered friends, your burned houses, your violated females". Thus affecting to recommend moderation, every expedient is resorted to, which could tend to inflame sanguinary men to the commission of sanguinary deeds.

Gentlemen, you must by this time be somewhat anxious to know the progress of the general, who escaped the memorable action which was intended to be fought; and the first place in which I am enabled to introduce him to you, is at the house of one *Doyle*, who resides near the Wicklow mountains. There the general and his companions took refuge at the commencement of the following week; they arrived there at a late hour; the general was still dressed in his full uniform, with suitable lace and epaulettes, and a military cocked hat, with a conspicuous feather. The two other persons I have already mentioned were also decorated in green and gold. They represented themselves as *French* generals, and spoke the *French* language, in expectation of stimulating the people with the prospect of foreign aid. The prisoner, it will appear, occasionally spoke broken *English;* and that the lieutenant-generals followed his example; there were fourteen men in the party, all armed, thirteen with blunderbusses, and one with a musquet. The generals went to bed with their host, leaving their followers in the true spirit of equality to shift for themselves—you will find them altogether under these circumstances and observing such conduct as will leave no doubt upon your mind as to who they were, or for what purpose they fled. Indeed if any mark was wanting, they supplied it, for they left one of the small proclamations behind them, which I have already described. From thence they proceeded to the house of Mrs. *Bagnall*, and finally they left the mountains and returned to the city of *Dublin*. What became of the other persons is foreign to the present inquiry; but we trace the prisoner from those mountains, to the same house in *Harold's-cross* in which he formerly resided, and assuming the old name of *Hewitt*,—he arrived there upon the *Saturday* after the rebellion; he had then abandoned his hat, his regimental coat, and the title of general; but he retained his black stock, his regimental breeches, and waistcoat, and his Hessian boots; these he could not with such readiness change. The vicissitudes of fortune at all times call upon the mind for reflection, and even when they are occasioned by the discomfiture of guilt, they draw with them some involuntary share of commiseration. What a distressing picture does this young man exhibit in this afflicting situation!—he who was lately preparing arms and ammunition for the thousands he was to command, and laws and constitutions for the ten thousands he was to conquer, he who was to have been seated in his Majesty's Castle, and to have shaken the British Empire, is fallen from his fantastic dreams, reduced to become a voluntary prisoner, and to confine that ambition which embraced a nation, within the narrow limits of a cell, here he lay trembling at every blast, and meditating plans, not of conquest, but escape. His chief consolation appears to have been in the occasional society of those friends who received him.

The entire amount of his conversation with them I do not expect to disclose, but it will appear that they turned upon the discomfiture of his schemes, and his defeat at *Thomas-street*, he spoke of the splendour of the uniform, acknowledged he wore it in the battle and spoke of the *depot* in such lamentations as a general would regret the loss of his magazine; he spoke of the proclamation as if he was the composer of it; we find him occasionally betraying his fears, by stating that upon any alarm he would get out of the back window of his room and so escape, through the fields; in short, numberless

circumstances will occur, if they were necessary to corroborate the several witnesses who will be produced against him. Having remained a month in this concealment, information was had, and Major *Sirr* to whose activity and intrepidity the loyal citizens of *Dublin* are under much obligation, did confer an additional and a great one, by the zealous discharge of his duty on this occasion. He came by surprize on the house, having sent a countryman to give a single rap, and the door being opened, the Major rushed in, and caught Mrs. *Palmer* and the Prisoner sitting down to dinner; the former withdrew, and the Major immediately asked the Prisoner his name, and as if he found a gratification in assuming a variety of titles, he said his name was *Cunningham;* that he had that day arrived in the house, having been upon a visit with some friends in the neighbourhood; the Major then left him in charge with another person and went to inquire of Mrs. *Palmer,* concerning him; she said he was a very proper young man of the name of *Hewitt,* and that he had been in her house about a month; the Major at this moment heard a noise and he found that the Prisoner was endeavouring to escape, but having been struck with a pistol by the person who had the custody of him, he was by that means detained; immediately further assistance was called in from a neighbouring guard-house, and an additional sentry was put upon him; the Major then again proceeded further to interrogate Mrs. *Palmer;* when the Prisoner made another effort, got into the garden through the window, but was at length overtaken by the Major, who, at the peril of his life, fortunately secured him; when the Major apologized for the roughness with which he was obliged to treat him, the Prisoner replied "all was fair in war",—there were found upon his person a variety of papers, but it will only be necessary to call your attention to a paragraph or two in one of them, as applicable to our present inquiry; there was another paper found in his room upon a chair immediately near him, and which we impute personally to him, but being found constructively in his possession, it is as strong evidence against him as if found on his person, and if there was no other circumstance in the case than this paper it would be sufficient to shew that we have not been mistaken in the accusation which we have preferred against him.

The first paper I allude to appears to have been written by a brother conspirator acquainted with his schemes and participating in his crimes; it shews, I think pretty clearly that the Prisoner maintained an intercourse with foreign countries, it also shews that every intelligent rebel is not without his share of apprehensions from his allies in *France;* and it also gives pretty nearly the same view of the conspiracy with respect to its strength, its union and its respectability, which I took the liberty to suggest upon the first opening of this commission; the first paragraph is this: "I should wish to know particularly from you how matters stand at present (if you would not be afraid), and particularly what are *your hopes from abroad,* and whether if *they* pay us a visit we shall not be *worse off than before*". What a natural reflection for a person who has probably been no inattentive observer of the French Revolution; that revolution commenced for the redress of grievances, which were admitted to exist; but when those were done away, the wild spirit of modern philosophy would not permit it to stop. It fought for an universal Equality in which there should be no one to command; and no one to obey, against the dictates of reason and the ordinances of God. Its first efforts were attended with anarchy and blood, many painful struggles succeeded, until at length the sufferings of the people subsided into submission. Having shaken off the sceptre of a lawful King, they were obliged to take refuge, from their distractions, in the power and authority of a military usurper. They have since endured him in silence—the turbulence of freedom has sunk into a tranquil tyranny. But to preserve the discipline and affections of that army with which he enslaves his people, he finds it necessary to procure it occupation and plunder. He accordingly inflicts it upon every neighboring nation, either as a friend or as a foe, robbing the weak and cheating the credulous.

And therefore the infatuation and blindness of conspiracy has not gone so far as not to feel that the moment such an army takes possession of this country, there will be an end of law, of justice and of religion; all will be superseded by a military and merciless despotism, and therefore the conspirator himself, when he invokes *French* assistance to subvert our government, deprecates the notion of their establishment amongst us; but who can let them enter and then prescribe the limits of their course and the extent of their dominion? who can draw a line around them and say, thus far shall death and desolation spread but no farther? Nothing but blind infatuation could wish to make the experiment.—I shall now state to you a passage which I think of the greatest importance, not only as it discloses the opinion of a brother conspirator upon what has happened, but intimates pretty strongly what may be expected in future; the words are—"He is very desponding, however, and says, the people are *incapable* of redress and *unworthy* of it; this opinion he is confirmed in by the late transaction, which he thinks must have succeeded but for their barbarous *desertion and want of unanimity;* as to the French invasion, he thinks it may not take place at all, and that their plan may be to wear down the English by the expense of a continual preparation against it."

I shall trouble you, Gentlemen, with a few extracts from a paper which was found upon a chair near the Prisoner at the time of his arrest. It appears to have been dictated by a wish to arrest the administration of justice and to deter government from pursuing that temperate but inflexible course which has been adopted*. Gentlemen, there is no breast so hardened, no conscience so callous, that has not in the progress of guilt some momentary compunction;—the Prisoner felt them; he heard of the persons who were apprehended, and of this commission which issued for their trial; he expected the conviction and the death of those whom he had contributed to seduce, and having vainly conceived that the threats of this proclamation had intimidated government in the first instance from proceedings by courts martial; he was resolved to try the effect of another effort to suspend altogether the ordinary administration of the law; he accordingly addressed a paper to government which begins with the words,—"It may appear strange that a person avowing himself to be an enemy of the present government and engaged in a conspiracy for its overthrow, should presume to suggest an opinion to that government on any part of its conduct, or could hope that advice coming from such authority might be received with attention."

It then goes on to state that the writer, "As a man feels the same interest with the merciful part, and as an *Irishman*, with at least the *English* part of the present Administration."

Here you will allow me to observe that in all their proclamations they endeavored to draw an odious distinction between the *English*, who support in this country the Administration and those of *Irish* birth, who presume to do so. The King's army is to be treated as prisoners of war, but *Yeomen* are to suffer as *rebels;* the same threat is held out to the *Irish militia;* if taken in battle they are not to be honoured with the appellation of prisoners of war, but are to be tried by court martial and suffer death for their infidelity.

He then says he will "communicate to them in the most precise terms that line of conduct which He may hereafter be compelled to adopt, and which however painful it must under any circumstances be, would become doubly so if He was not conscious of having tried to avoid it by the most distinct notification."

He then proceeds to tell them in the language of an ambassador, "that it is not

*This is a fair illustration of how completely all semblance of truth had disappeared from Ireland; it was something of which English officials from the highest to the lowest seemed to have no knowledge. Every prisoner, if a Catholic Irishman, was put to death by means of false swearing and a packed jury; innocent persons all over the country were being put to death as though in an effort to exterminate the Irish race. Lord Norbury had, at this time, the reputation of hanging every one brought before him. Daniel O'Connell gives an instance where Norbury condemned and hung ninety-nine out of a docket of one hundred, the one having escaped.

the intention of the UNDERSIGNED, for the reason HE has already mentioned, to do more than state, what Government itself must acknowledge, that of the present conspiracy, it knows comparatively speaking—Nothing". In this unsuspecting moment of confidence HE little knew that his plans were all developed and his retreat ascertained. But let us follow the paper a little further, and here let me entreat the attention of all parts of my audience,—"Instead of creating terror in its enemies or confidence in its friends, it will only serve by the scantiness of its information to furnish additional grounds of invective to those who are but too ready to censure it for a want of intelligence which no capacity could have enabled it to obtain."

This passage is directed to those who suppose when any disturbances take place, that rebellion rages in every parish, and is to be found in every house; who immediately exclaim at the supineness of government, if it does not instantly trace by intuition or magic the most remote and hidden sources of treason or disaffection. And who still more charitably conclude, that the Government knows nothing which it does not proclaim, without considering how many things the public interests require to be concealed. When any disaster occurs, such persons delight to go about amongst their friends, describing with wonderful precision the accuracy with which they foresaw every circumstance that has taken place; indulging in a species of *retrospective prophecy,* which certainly can never bring their sagacity to disgrace. But what greater proof need there be of the vigilance of our Government than the necessity which these three *Constitution-Mongers* were under of confining their treasons to an obscure house, under feigned names, without any communication of concert with the people. The circumspection of Government had so encompassed them, that their rebellion did not venture out of doors. Is it very surprising, gentlemen, that under these circumstances, and during a period of domestic tranquillity, the prisoner, the bricklayer and the clerk, should have been permitted for a few months to indulge in a little household-conspiracy; concealing arms and ammunition, but overlooking the trifling circumstance of providing men to make use of them? But when their schemes grow bolder, when the circumspection of Government could be no longer eluded, you see how treason was dwarfed by the narrow limits within which vigilance had restrained it. The moment it burst it evaporated.—Within an hour, and with a force not amounting to one hundred men, this formidable rebellion was extinguished; and the mighty mass of eight months preparation melted into nothing.

This paper then interrogates, "Is it only now we are to learn, that, entering into conspiracy exposes us to be hanged?" I do protest from the readiness with which some men enter into treasonable pursuits, it would appear as if this salutary lesson remained to be taught, and I wish that no man would embark in these dangerous projects, without seriously asking himself whether he is prepared to submit to the forfeiture which will be incurred by his offence—the loss of life and fortune, and the abandonment of a wife and family to the pains of want, and the reproaches of the world. It further asks "Are the scattered instances now to be brought forward, necessary to exemplify the statute? If the numerous striking examples which have already preceded were insufficient—If government can neither by the novelty of punishment, nor the multitude of its victims, impress us with terror; can it hope to injure the body by a conspiracy impenetrably woven as the present, by cutting off a few threads from the end of it?"

Here in a very feeling pathetic address, the government is called upon not to sacrifice the victims in their possession, because they were not the heads of the conspiracy, but as expressed in this paper, a few threads at the end of it.

Gentlemen, I could wish that such feeling and compassion had come upon the prisoner at an earlier day; that he had revolved in his mind the train of calamities inseparable from civil war and internal commotion, and—that he had a little adverted to the possibility of punishment, before he had incautiously provoked the com-

mission of the crime. I could wish he had reflected sooner,—that by heading that furious mob, which burst into *Thomas-street,* more human blood must be sacrificed than could be shed by this commission were it to sit for a year—three times a greater number of his rebel friends fell upon that fatal evening than has been since devoted to the offended justice of their country. But how shall I speak of the loyal and unoffending? That rebellion lasted but a little hour, and within that short period, it deprived our Country of more virtue, than this Commission could strip it of, were its Administration to be eternal.

I do, however, sincerely lament, with him, that some of those who have been hitherto brought to justice, were, comparatively speaking, insignificant persons. They were not, I admit, prime movers of the treason. But I trust the Commission may not pass over without some distinguished examples. It is certainly of much greater importance that the web itself should be cut than that we should merely take a few threads from the end of it. But it will be found absolutely necessary that both should be done. The unhappy instruments, as well as their principals, must atone for the mischief they have committed. For though it is true that there would be no rebellion if there were no conspirators, so it is equally true, that there would be no conspirators if there were no instruments to be worked with. If perpetrators were not easily supplied, and if some unhappy people were not too ready to connect themselves with the avarice and ambition of others, treason could not be harboured for a moment, even in the most heated imagination, and therefore examples among the lower orders are as necessary sacrifices to justice, as the first conspirator in the land. But I acknowledge the former move to the scaffold with different feelings and an easier mind. The man who by his schemes has forfeited his own life, and sacrificed the lives of others, is doubly guilty, and at the awful moment of retribution must labour under accumulated remorse.

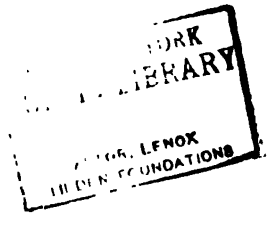
Gentlemen, I have upon all former occasions felt a considerable anxiety, that any warmth which may be induced by the discharge of my duty, should not lead me to exceed it. I have pressed upon every successive jury, mildness, clemency and moderation. I am sure, in those feelings you anticipate any recommendation of mine. I request, that nothing which has fallen from me, and which I have stated only with the view of making the mass of evidence intelligible, may have any other operation. My statement is merely intended to make you more readily understand that evidence which shall proceed from others, not to make any impression itself.

If I have said anything to incite within you an additional indignation against the crime, I am not sorry for having done so; but I do not mean in expressing my horror of the crime to prejudice the criminal; on the contrary in proportion to the enormity of the offence should the presumption be that he has not committed it. I must also request, if you have heard before this day of the Prisoner's name that you will endeavour to forget it; the vague and uncertain rumours of popular misrepresentation should be entirely forgotten—that which may have been matter of idle conversation, should not work against the Prisoner at the awful moment of trial. You have the life of a fellow subject in your hands; by the peculiar benignity of our laws, he is presumed to be an innocent man until your verdict shall find him guilty. But in leaning against a bias you must not take a direction the other way. If upon the whole we shall lay such conclusive evidence before you as no human mind can resist, you will be bound to discharge your duty and to find the Prisoner guilty. But in the investigation of that evidence every former feeling of your minds must be discharged—listen with attention—give the Prisoner the full benefit of any defence, which he may make, and dispassionately consider the nature of his vindication. But on the other hand, Gentlemen, you have a duty to discharge to your King and your Country. Many victims have fallen, who undoubtedly may not, abstractedly taken, have incurred any very considerable proportion of guilt. Men who incapable of deciding for themselves have been absorbed in the guilty ambition

of others; but, if it shall appear that the Prisoner was the prime mover of this rebellion, that he was the spring which gave it life and activity, then I say, no false feeling of pity for the man, should warp your judgment, or divert your understanding. I know the progress of every good mind is uniform; it begins with abhorrence for the crime and ends with compassion for the criminal; I do not wish to strip misfortune of perhaps its only consolation. But it must not be carried so far as to interfere with the administration of public justice. It must not be allowed to separate punishment from guilt; and therefore if upon the evidence you shall be satisfied that this man is guilty, you must discharge your duty to your king, to your country and to your God. If on the other hand nothing shall appear sufficient to affect him, we shall acknowledge that we have grievously offended him, and will heartily participate in the common joy that must result from the acquittal of an innocent man.

I have seen the most wanton insults, the most cowardly oppression, practiced upon many of all ranks and conditions—in a part of the country as free from disturbance as the City of London,—but from prudential motives I wish to draw a veil over more aggravated facts.

Lord Moira, in Parliament.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Supposed portrait of Dr. Robert Emmet, painted about 1780

The truth is outrages were not committed by the rebels until they had been taught innumerable lessons in barbarity by their foes.

Gen'l Lake, English Commr. in Chief to Castlereagh.

Chapter XVII

Examination of witnesses—Joseph Rawlins, Esq., testifies to acquaintance with Emmet, his visits to the Continent—Cross examination by Burrowes brings out that he condemned Napoleon's methods—George Tyrrell, second witness, gives evidence regarding leasing of house in Butterfield-lane, about Dowdall and identity of "Ellis" —Michael Frayne testifies about leasing house in Butterfield-lane, connection of Rooney in matter, identity of Emmet and Ellis, also about Dowdall—John Fleming, ostler, fourth witness, gives evidence regarding himself, house in Marshalsea-lane, used as depot, making of pikes, seeing other weapons and fire-arms and cartridges—Saw Emmet to know him Tuesday after explosion in Patrick-street—This witness states many details of Emmet's direction of affairs, uniform-making, of Quigley and Colgan, Emmet's handling of papers at desk, of soldiers said to be deserters, of Emmet, Quigley and Stafford putting on uniforms; also of his accompanying "Mr. Ellis" and party night of July 23rd—Swears he had never given information before July 23rd—Reason for giving himself up to government—Quigley's alias—Terence Colgan, tailor, fifth witness, describes himself as having been kidnaped at Dillon's in Thomas-street and taken while in a state of drunkenness to a place full of arms and poles—Put to work making white pantaloons and green jackets—Recognizes prisoner who seemed to be chief—Saw him go to desk; did not remember name by which he was called—Lived at Lucan, came to town to Counsellor Vickars to ask for work—When he left house went to Counsellor Vickars and was taken to Lucan—Supposes he was arrested, because some one informed—Gave information for sake of family—Would not have informed if not arrested—Patrick Farrell, grocer's steward, sixth witness, lived with Ormsby in Thomas-street—Night before July 23rd when passing through Marshalsea-lane heard noise in a house—Stopped—While waiting men came out, seized and took him in—Kept till next night. Asked did he know "Graham"—One man said witness was a spy—Saw Quigley, whom he knew as a bricklayer at Maynooth—Some one came in who ordered him into care—Recognized him in Prisoner—Saw pikes, arms, boards with nails through them, chains, tubes and bottles filled with powder—Gives many details as to movements of Emmet and others—All seemed hearty in work—Heard printed paper read—Escaped and informed master next morning—Serjeant Thomas Rice, seventh witness, proves large Proclamation found in store—Proclamation of Provisional Government to People of Ireland read in Court.

JOSEPH RAWLINS, *Esq.*

Examined by the ATTORNEY-GENERAL.

Q. Are you acquainted with Mr. *Robert Emmet,* the Prisoner at the bar?

A. I do know him.

Q. Pray. sir, do you recollect seeing him about Christmas last?

A. I do recollect seeing him some time in the month of *December* last, before his father's death.

Q. Had he been long in *Ireland* or did you collect from him that he had been long abroad?

A. I understood from him that he had been to see his brother in Brussels.

Cross-examined by Mr. BURROWES.

Q. Did you understand that from himself?

A. Yes, from himself.

Q. You had conversations with the Prisoner shortly after his return?

A. Yes.

Q. Had you many?

A. No—I had conversations with him shortly after, as I understood from him, his arrival from *Brussels*—at the time his father was dying.

Q. Did it turn upon continental politics?

A. Yes: he said the inhabitants of the *Austrian Netherlands* execrated *Buonaparte's* government.

Q. Did you not from the whole of the conversation collect, that he highly condemned that government?

A. It certainly made that impression upon my mind*.

GEORGE TYRREL, *Esq.*

Examined by the SOLICITOR-GENERAL.

Q. I believe you are an attorney?

A. I am.

Q. Are you acquainted with Mr. *Rooney?*

A. I am.

Q. Where does he live?

A. No. 62 *South Great George's-street.*

Q. Were you ever employed by him to prepare a lease to any person?

A. I was.

Q. To whom was the lease to be made?

A. To Mr. *Robert Ellis.*

Q. Of what premisses was the lease?

A. Of a house and land in *Butterfield-lane* near *Rathfarnham.*

Q. Did you prepare the lease?

A. I did.

Q. Did you go to any place to have it executed?

A. I went to the house to see it executed.

Q. Is that the lease?—(*producing a lease to the witness.*)

A. It is.

Q. Did you see it executed?

A. I did.

Q. Are you a subscribing witness to it?

A. I am.

Q. By whom was it executed?

A. By *Robert Ellis.*

Q. Do you see that person in Court?

A. I do; he is the Prisoner at the bar.

Q. Did he execute that lease in your presence, in the name of *Robert Ellis?*

A. He did.

Q. Who was the other witness?

A. William Dowdall.

Q. Did you know him before?

A. I knew his name and person, but was not acquainted with him.

Q. Where did you go to have the lease executed?

A. To the house itself.

Q. Whom did you see there?

A. Mr. *Ellis*, Mr. *Dowdall*, and another person, sitting at dinner.

Q. Was that in the house demised by the lease?

A. Yes it was.

Q. Did he execute the lease there?

A. Not immediately.—He went from that to the house of Mr. *Frayne*, which joins the premisses, and there the lease was executed.

Q. You say that Mr. *Dowdall's* person was familiar to you?

A. It was.

Q. What part of the country did he come from?

A. He lived near *Mullingar.*

Q. And you are a native of that country?

A. I am.

Q. Did you know any thing respecting *Dowdall* before?

A. I heard——

Mr. BURROWES. You cannot give evidence from hearsay.—The witness must speak from his own knowledge.

LORD NORBURY. No doubt he must. His hearsay is no evidence.

*The reader will be interested in the following extract from "The London Courier", of September 23, 1803, showing Rawlins' perfidy in voluntarily giving information to Government about Robert Emmet's movements when he became a witness for the Crown at Emmet's "trial" on the 19th of September, 1803: "Mr. Rawlins, attorney, identified the prisoner at the bar as Robert Emmet. He met him at his father's, Dr. Emmet's, house, soon after his return from Brussels, where he had an interview with his brother." Mr. Robert Holmes never afterwards employed him in the various transactions arising out of Dr. Emmet's affairs, and they were many. I point this out as a striking instance showing that Holmes venerated the memory of his brother-in-law, and resented Rawlins' disclosure of a confidential visit made to Casino.

Mr. SOLICITOR-GENERAL. My Lord, I did not intend to offer such evidence.—I had interrogated the witness as to his *knowledge*, and finding he can only answer *hearsay*, I do not press the question.

Q. At what time was the lease executed?

A. In the month of *June*.

Q. Was it executed the day it bears date?

A. It was.

Q. Did you ever see the Prisoner before to know what his name was?

A. No.

Cross-examined by Mr. MACNALLY.

Q. Did you ever see the Prisoner before?

A. No.

Q. You never saw Mr. *Ellis* since?

A. Not by the name of *Ellis*.

MICHAEL FRAYNE,

Examined by Mr. PLUNKET.

Q. Had you been executor to a person of the name of *Martin*, an attorney?

A. He appointed me an executor, but I never acted.

Q. Who was the other?

A. James Rooney, a Brush-maker, in *Great George's-street*.

Q. Had *Martin* any house or property to be disposed of?

A. He had.

Q. Where situated?

A. In *Butterfield-Lane*, near *Rathfarnham*.

Q. Do you recollect any application by any person for taking it?

A. I do.

Q. When?

A. I believe upon the 21st of *April*—I was going through *George's street*, and stopped at *Rooney's* door.—He told me he had a gentleman in the parlour.

Mr. BURROWES. I must object to the witness stating any conversation with *Rooney*.

Q. Did you go into the parlour?

A. I did.

Q. Did you see any one there?

A. I did—a gentleman who went by the name of *Ellis*, to whom Mr. *Rooney* introduced me, and said, he was to be my neighbour.

Q. What passed?

A. Mr. *Rooney* said he was after getting sixty-one guineas fine, and that the gentleman was to pay sixty-one guineas a year.

Q. Look about, and try if you see that person?

A. That is the gentleman (*pointing* to *the Prisoner*).

Q. You have no doubt that is the person?

A. Not the smallest in the world.

Q. Was that the gentleman who paid the fine of 61 guineas?

A. That very gentleman—there was no other present.

Q. You live in *Butterfield-lane?*

A. Yes.

Q. Did you get any direction about giving possession?

A. Yes, as I was upon the spot, I was desired to give possession to any one who should come from Mr. *Ellis*.—Upon the 23d, a servant came to me from Mr. *Ellis*, with a note, but I do not recollect, whether the note was from Mr. *Rooney* or Mr. *Ellis*.—I walked over to the place and gave the servant possession.

Q. You live near the place?

A. Very near.

Q. Had you any opportunity of seeing the conduct of that person afterwards?

A. Mr. *Emmet* did not come for a fortnight after the servant had got possession—there were workmen making up the fences and doing other things—it was a fortnight after that I saw him there.

Q. Did you see any other person there with him?

A. I did.

Q. Did you know them?

A. Only one, who signed his name *Dowdall;* there was another person there, but I do not think I would know him. They kept themselves in such a manner that they did not make free with me, nor did I think proper to be free with them.

Q. About how long did the Prisoner continue to reside there?

A. As near as I can examine or con-

sider, not more than two months—for in *June* the lease was executed; he came in a fortnight after the agreement was made, which was the 21st of *April*, and I did not see him for a fortnight before the breaking out of the disturbances.

Q. He got possession before the lease was executed?

A. He did.

Q. Had you an opportunity of making any observation upon the manner in which these two persons lived while at *Butterfield?*

A. They lived very quiet—no noise nor drink; they lived in a sequestered manner, as if they did not wish to see any people.

Q. Did they live constantly there?

A. I met them very often on the road, going to town, though I did not speak to them, as they did not make free with me.

Q. Did you see how the house was furnished?

A. Only the day the lease was executed.—The Attorney called upon me and asked me what kind of people they were?—I said I did not know; that they were an odd sort of people—we went there to have the lease executed—we rapped at the door—and the servant said her master would come down.—We walked into the garden, and Mr. *Ellis* came down.—Mr. *Tyrrel* said he had the leases in his pocket, and as he was going circuit, he wished to have them executed.—Mr. *Ellis* brought us into the parlour,—where were two other persons at dinner—they asked us to dine—but there being no chairs, we felt a little awkward, and I said I had dinned, and that Mr. *Tyrrel* was to go to town—I brought Mr. *Tyrrel* over to my house with Mr. *Ellis*—there the leases were executed.

Cross-examined by Mr. BURROWES.

Q. Have you often seen Mr. *Dowdall?*

A. I have.

Q. Did you ever hear him go by any name but that of *Dowdall?*

A. I never heard his name but on that day;—he was with the prisoner back and forward.

By Mr. Emmet.

Q. Did you ever see Mr. *Dowdall* lie there?

A. I do not know whether he did or not—I never saw him in a bed-room.

By Mr. PLUNKET.

Q. Can you tell whether Mr. *Emmet* slept there or not?

A. I can not, only one morning I called there with Mr. *Rooney*, and the maid said he was not up.

By Mr. BURROWES.

Q. You considered Mr. *Emmet* as the inhabitant of the house?

A. I did.

Q. Did you ever see any parties there, to dinner or for any other purpose?

A. No, I never saw any party there of any kind.

JOHN FLEMING,

Examined by Mr. MAYNE.

Q. Pray, *Fleming*, where did you live in the last year before the 23d of *July?*

A. At *Dillon's*, The White Bull.

Q. Where is that?

A. In *Thomas-street.*

Q. A public house, I believe?

A. Yes.

Q. Were you in any employment there?

A. I was ostler, Sir.

Q. What countryman are you?

A. County *Kildare* man.

Q. About how long had you lived at *Dillon's?*

A. From harvest last.

Q. Do you know the lane called *Mass-lane*, or *Marshalsea-lane?*

A. I do.

Q. Is it convenient to *Dillon's* house?

A. Dillon's yard reaches to *Marshal-lane;* getting the carts in is from that lane.

Q. From what street to what street does it run?

A. From *Dirty-lane* up to the *Marshal-sea.*

Q. Were you ever in any particular house or store in that lane?

A. I was in that store; the *depot* as it is now called.

Q. It opens into *Marshal-lane?*

A. Yes.

Q. And part of it is next *Dillon's* premises.

A. Yes.

Q. How came you to be there, did you know any people there?

A. I did, different people, more than I can mention at present.

Q. Were you in confidence with them?

A. I was so far in confidence with them that I brought them ammunition and other things; I obeyed the orders of my master, and he desired me to do what they bid me.

Q. Then you brought several things there?

A. There were several things brought through our yard, and some from *Dirty-lane.*

Q. About how long were you in this store before the 23d of *July?*

A. I can not say; I knew it a few days after it was taken from Mr. *Coleman;* I was told it first was for a timber-yard, but afterward I was told the business it was for.

Q. Were you often in it before the 23d of *July?*

A. Sometimes three or four times a day, sometimes once or twice a day, sometimes to the door:—Of a day I had a throng I did not communicate with them.

Q. They knew you were a person who had permission to go in there?

A. They knew I had liberty to go in or out without asking me any questions.

Q. What did you first see there?

A. First, making pike handles; secondly, heading them.

Q. With the iron part do you mean?

A. Yes.

Mr. BURROWES. My Lord, I must object to this evidence as not affecting the Prisoner at the bar.

Mr. MAYNE. We will connect it with the Prisoner at the bar; at present we offer this evidence as showing a conspiracy and the preparations made for it.

Lord NORBURY. As proving a general conspiracy, it is admissible evidence; and I hope the trial will not be embarrassed by objections that do not bear argument; the constant practice is, first to prove a general conspiracy, and then to shew the prisoner connected with it.

Mr. MACNALLY. In Hardy's case the acts of the Prisoner were first proved and then they gave evidence to shew the extent of the conspiracy.

Mr. MAYNE. *Q.* Did you see any other kind of arms in that store-house besides pikes?

A. I saw blunderbusses, firelocks and pistols.

Q. About how long before the 23d of July might you have seen them?

A. I saw some shortly after they took the place first.

Q. Can you tell how long before the 23d of *July* they took the place first and began to store it?

A. I cannot say.

Q. Was it a quarter of a year?

A. It was more than a quarter of a year they took it.

Q. Did you see many of the blunderbusses, pistols, and firelocks brought there?

A. I did.

Q. Did you see any thing done with any ammunition?

A. I saw them making cartridges.

Q. Was there much of that?

A. They made a great deal of that, more than I can describe.

Q. (*By the Court.* What kind of cartridges?

A. Ball cartridges).

Q. Look at the Prisoner at the bar?

A. I know him—Mr. *Emmet* there.

Q. Have you seen him before?

A. I have.

Q. When did you see him first to know him?

A. The Tuesday morning after the blowing up in *Patrick-street.*

Q. Was there an explosion there?

A. So it was mentioned, there was a man blown up there.

Q. Was that the first time you saw him?

A. The first time to know him.

Q. That was a week before the 23d of *July?*

A. I cannot say.

Q. Where did you see him?

A. In the lane; I opened the gate of the yard to let out *Quigley*, and he met Mr. *Emmet* and *Palmer.*

Q. Where did he go to?

A. Into the store.

Q. The place you have been describing?

A. Yes.

Q. (*By the Court.* Who went into the store?

A. Palmer went away to send in ammunition and others went in.)

Q. How do you know it was for ammunition?

A. They asked me for three sacks.

Q. Was the Prisoner present?

A. He was; I told him they had got sacks before, which were not returned: that I was accountable for them and got them only from people who had corn and other things.

Q. How did you know it was for ammunition?

A. I was told of it.

Q. Was the Prisoner present?

A. He was.

Q. What was said?

A. They said the ammunition was removed from *Patrick-street* to another place, and they went to remove it and have it examined at the store.

Q. Did you see the Prisoner after that morning in the store?

A. I did.

Q. Did you see him often?

A. Mostly every time I went in I would see him.

Q. Were you there every day?

A. Mostly every day, and sometimes three or four times a-day; I saw him every day either in the store or at *Dillon's.*

Q. When you saw him in the store, did you see him do any thing?

A. From the instant he came in they would not do any thing without applying to him.

Q. Then he directed the business which was going on?

A. He did.

Q. He knew of the making of the pikes and other things?

A. He was the head man of it—he gave directions to *Quigley*, and he to the others.

Q. Did you now any thing of that *Quigley* before; or what situation in life was he in?

A. I never saw him, to my knowledge, till I saw him there.

Q. What line of life was he in?

A. I was told——

Mr. BURROWES. I object to the witness stating what he was told, unless it was in the presence of the Prisoner.

Q. What was the general account or reputation of his trade; did you happen to hear it mentioned in the presence of the Prisoner?

A. In the presence of Mr. *Emmet?* No; I never heard *Quigley* mention it in his presence.

Q. Did you hear any thing read in the store?

A. I heard a little sketch; I did not take very much notice of it.

Q. Who read it?

A. Mr. *Emmet.*

Q. What was the purport of it?

A. That every officer, non-commissioned officer and private, should share equally every thing they got; and have the same laws as in France.

Q. What was it they were to share?

A. What they got when they were to take *Ireland* or *Dublin.*

Q. Did you see any uniform cloathes making there?

A. I saw green jackets making.

Q. In that store?

A. Yes.

Q. Who was making them?

A. Different taylors.

Q. Can you name any of them?

A. Yes; there was one *Colgan.*

Q. You need not mention any others;—you saw him there?

A. I did.

Q. As I understand, you were permitted to hear and see every thing going on?

A. I was.

Q. Did you hear what these uniforms were for?

A. I suppose they were for officers and non-commissioned officers.

Q. Did you see any particular uniform?

A. I did.

Q. What sort was it?

A. A green coat with gold lace.

Q. Was there much lace?

A. There was upon the sleeves and the shirts, and there were gold epaulettes, like a general's dress.

Q. Did you see any person do any thing with it?

A. The Prisoner took it out of a desk and shewed it to us all there one day.

Q. Where was the desk?

A. In the store.

Q. Whereabouts?

A. In the first loft.

Q. What did it stand upon?

A. I can't say whether upon a frame or some boards.

Q. Look at this (*shewing a desk, which was put upon the table*), was it like this?

A. It was the same; to my opinion this is it.

Q. You saw the Prisoner take out of the desk there, and which you think is this, the fine uniform you described?

A. I did.

Q. About what time before the 23d of *July* did you see him take it out first?

A. I cannot rightly say.

Q. Was it a week?

A. It was a few days.

Q. Was there any other desk or thing of that kind in the store but one?

A. I never saw any but the one.

Q. Were you much through the store?

A. I was in every part of it, and there could not be a desk in it unknown to me.

Q. Did you see Mr. *Emmet* do anything at the desk besides taking out the uniform?

A. Not with regard to uniforms.

Q. But did you see him do anything else there?

A. I saw him take out papers, and put papers into it.

Q. Did you see any other person go to that desk?

A. *Quigley* did.

Q. Was there any other?

A. Not to have any thing to say to it.

Q. Did you at any time see there persons having the appearance of soldiers?

A. There were two men; I was informed by themselves they deserted from the barracks.

Q. Were they received there?

A. They were.

Q. Did they stay there?

A. They did.

Q. Were you in that store upon the evening of the 23d of *July?*

A. I was.

Q. Did you see the Prisoner there that day?

A. I did.

Q. Did you see him in any particular dress that evening?

A. I saw him when he dressed himself in his uniform.

Q. What uniform?

A. The green coat with gold epaulettes.

Q. Did you observe the rest of his dress, besides the coat?

A. Yes:—I observed he had a white waistcoat and white pantaloons, and a pair of new boots.

Q. Did you observe his hat?

A. He had a sword, and a hat and white feather.

Q. Was it a round or a cocked hat?

A. It was a cocked hat, an officer's hat.

Q. Can you say whether he had any sash on?

A. He had a sash on.

Q. Had he any other arms but the sword?

A. He had a case of pistols.

Q. (*By the Court.* What colour was the sash?

A. I can't say; because it was only by candle light I saw him dressed.)

Q. Did you hear him use any particular expression that evening, when he was dressing?

A. Yes, when he was dressed, he asked for a big coat.

Q. Did he say for what person?

A. He said it was to disguise his uniform till he went to the party that was to attack the castle.

Q. Did you see any other uniform of this particular kind with gold lace, except the one which the Prisoner had?

A. I did.

Q. How many?

A. *Quigley* and *Stafford* had uniforms of that kind; but only one epaulette. *Quigley* had a white feather and *Stafford* a green one.

Q. Did you know *Stafford?*

A. I did.

Q. What was he?

A. A baker in *Thomas-street.*

Q. Were there many people of that party working at the pikes, making cartridges, bringing in arms, and receiving orders?

A. There were a good many.

Q. How many do you suppose were there upon the 23d of *July?*

A. More than I can mention.

Q. How many do you think?

A. There were fifty men, as far as I can judge, in the depot.

Q. Were there more at that time than upon any former evening?

A. A good many.

Q. Did they get any arms there?

A. They did:—pikes, pistols, blunderbusses and firelocks, and ammunition according.

Q. Did they get them that evening?

A. They did.

Q. Did they take them out of the store?

A. They did.

Q. To what place did they go?

A. Towards *Thomas-street.*

Q. Did you see the Prisoner going out, or afterwards?

A. I saw him at the door—he drew his sword and called out, "Come on, boys", and his attendants did the same.

Q. About what hour do you think that was?

A. As close as I can guess, it was nine o'clock.

Q. Was it dark, or was it growing dark?

A. The lamps were lit.

Q. Pray did you see which way the Prisoner went?—Did he go with the party?

A. He did.

Q. Which way did you see them go?

A. I was with them myself. We went into *Dirty-lane,* and up to *Thomas-street,* and they began to fire.

Q. Were you there when that began?

A. I was.

Q. (*By the Jury*). You say when they got to *Thomas Street* they began to fire?

A. As soon as they got into *Dirty-lane,* they began to fire.

Q. Was Mr. *Emmet* with them then?

A. He was in the centre of them.

Q. What name did he generally go by in the stores?

A. The first name I heard was Mr. *Ellis.*

Q. Did he answer to that name when spoken to?

A. I never heard him called by any other name?

Q. Did you hear him called by that name?

A. I did.

Q. In the course of the time you were there, did you hear anything among the people about their mode of proceeding, the time, or the notice of it?

A. The most particular in that respect which I heard was that they were making preparation to assist the *French* when they would land.

Q. As I understand, it was given out there, that the *French* were expected?

A. Undoubtedly it was;—I was told so.

Q. In the store?

A. Yes; and out of the store.

Q. Did you hear the Prisoner called by any name of rank or title?

A. I was often told he was to be The *General,* or head of the business.

Q. Did you hear that stile given to him?

A. I did.

Cross-examined by Mr. BURROWES.

Q. I believe you had been frequently in these stores, before you ever saw the Prisoner?

A. I was.

Q. And you said that all persons you found there readily admitted you?

A. They did.

Q. Were there many persons there before you saw Mr. *Emmet* there?

A. There were some—one in particular that I knew.

Q. Was there many, whether you knew them or not?

A. I cannot say; I did not know their names.

Q. Did you know what all these military preparations were for?

A. At the time I went in? Yes, I did.

Q. Did you make any discovery of your knowledge of it in order to prevent it?

A. Never—while the preparation was going on, I never did.

Q. When did you first give any information?

A. I cannot rightly tell.

Q. Was it after the 23d of *July?*

A. It was.

Q. How long after?

A. I cannot well inform you.

Q. Was it a week or ten days or more?

A. It was near a month, I believe.

Q. Were you taken a prisoner under a charge of being guilty of High Treason?

A. I was taken under suspicion of being in that rebellion that night.

Q. Where were you taken?

A. At *Ballinderry,* in the County of *Kildare.*

Q. Are your wounds healed?

A. Yes, they are.

Q. Were they at the time you were taken?

A. I never got the least wound, but a little scratch upon the leg.

Q. When did you get that?

A. In the night of the 23d.

Q. After the party quit the depot?

A. Yes.

Q. Upon your oath, have you been promised any pardon, in consequence of making discoveries?

A. I have not been promised any thing.—I gave myself up to Government to become a good subject.

Q. Do you expect to be prosecuted?

A. I cannot say.

Q. What do you believe?

A. To the best of my opinion, I cannot say.

Q. On your oath, do you not think that you would be prosecuted, if you did not give information?

A. If there would be evidence against me, surely I would be prosecuted.

Q. On your oath, did you give the information you did, from a horror of the rebellion, or in hopes that it would be of service to yourself?

A. I gave it from a horror of the rebellion.

Q. And not from an expectation of being benefited thereby?

A. I never expected any thing; only in regard of Government I gave information.

Q. In order to benefit the Government?

A. Yes.—I had no interest in it.

Q. Was that your only motive—merely to serve Government and not yourself?

A. To serve Government, and from a horror of the rebellion.

Q. You say that Mr. *Emmet* put on a great coat to hide his uniform?

Mr. MAYNE.—I beg pardon, the witness did not say that. He said, that Mr. *Emmet* asked for one.

Mr. BURROWES. Did he get a great coat?

Witness. No, he did not.

Q. (*By the Court.* What name did *Quigley* go by?

A. Graham).

Terence Colgan,

Examined by Mr. TOWNSEND.

Q. What is your trade?

A. I am a tailor.

Q. Do you recollect the insurrection which happened in *Dublin* upon the 23d of *July?*

A. I do recollect to hear talk of it.

Q. Do you recollect the *Sunday* before that?

A. I do.

Q. Where were you upon that day?

A. I came into town that day.

Q. Do you recollect meeting any person in *Queen-street?*

A. Yes; a friend of mine, who brought me to drink.

Q. To what house?

A. To *Thomas-street*, to a house I was since told belonged to Mr. *Dillon*.

Q. Did you drink there?

A. I did; a good deal.

Q. Is it a public-house?

A. I believe it is a carman's-inn.

Q. Do you know the ostler?

A. I do, *John Fleming*.

Q. You drank a great deal, you say?

A. I did.

Q. Were you completely drunk?

A. I believe so—I fell asleep.

Q. Where did you find youreself when you awoke?

A. The next morning I found myself in a place I never was in before.

Q. Was it day light?

A. It was.

Q. What place was it?

A. A large out-house—full of arms and poles.

Q. How were the poles placed?

A. Some against the wall and some were lying down.

Q. Were there any pikes to the poles?

A. There were.

Q. Did you see any people there?

A. There was a number.

Q. Were you asked to do any thing?

A. I was set to work to make white pantaloons and green jackets.

Q. Look at the prisoner at the bar—Did you see him there?

A. I did.

Q. How did he appear among them?

A. Indeed he seemed to be the chief in it.

Q. Did you hear him give any orders?

A. I think he did; it was by his direction every thing was done in it.

Q. Did he see you at work?

A. Yes, he did.

Q. Where did you commonly work while you were there?

A. At first I worked in a place off of it, where there were some mattrasses, and then I was removed to another floor.

Q. Did you see any desk there?

A. I did.

Q. How many?

A. I do not recollect more than one.

Q. Look at this.—

A. I did not take so much notice as to swear it.

Q. Was it like this?

A. It was.

Q. Did you ever see Mr. *Emmet* go to the desk.

A. I did.

Q. What was he doing at it?

A. Taking things out, but I do not recollect what.

Q. Did you ever see him write there?

A. I think I did, but I have a bad recollection.

Q. Did you see any arms there besides pikes?

A. Yes, I did; I saw blunderbusses and pistols.

Q. Did you see any musquets?

A. I saw two soldiers musquets, brought there by two deserters, as I was told there.

Q. Did you see *Fleming*, the ostler there?

A. I did.

Q. Of what sort of cloth were the jackets and pantaloons made; was it coarse or fine?

A. Coarse cloth.

Q. Do you recollect the name by which the gentleman now upon his trial was called there?

A. I do not.

Q. Did you hear in that place for what purpose these preparations were making?

A. I believe I did, but I cannot particularly say.

Q. How near was that house you were in to Dillon's inn?

A. The next door.

Q. To the back-yard?

A. I think so.

Cross-examined by Mr. MacNally.

Q. Where do you live when you are at home?

A. In Lucan.

Q. Do you live at home at present?

A. No.

Q. Where do you live now?

A. In the town.

Q. Do you swear that?

A. No, I am now upon the bench.

Q. Was it accident that brought you to town from *Lucan*?

A. No, it was not; I came upon business.

Q. Honest business I suppose?

A. I came upon honest business, I came to town to Counsellor Vicars to get work.

Q. Does he live in *Thomas-street?*

A. No, he lives in *Holles-street.*

Q. Then what brought you to *Thomas-street?*

A. A friend of mine.

Q. Do you not believe that your friend was a great rogue?

A. He was a great foe to me.

Q. He was a great rebel?

A. I believe so.

Q. Had he no suspicion of your being from Lucan?

A. I can't say

Q. What, did you get drunk without speaking together?

A. We said a great deal, I suppose, but I do not remember it.

Q. You recollect that you fell asleep?

A. I do.

Q. When you awoke in the depot did you think that you were dreaming?

A. I did not know rightly where I was.

Q. When you awoke did you find yourself working?

A. No.

Q. When did you go to work?

A. I can't say.

Q. Was it by day-light or candle-light?

A. By day-light.

Q. Was there no candle there at any time?

A. There was not.

Q. Do you know *Fleming?*

A. I do.

Q. Is he as honest as yourself?

A. I suppose so.

Q. If he said he saw candles there, would he swear true?

A. I can't say, he had more recourse to the place than I had.

Q. Could there be a candle there without your seeing it?

A. There might.

Q. You said you saw the prisoner there, will you swear it was Mr. *Emmet* you saw and not another person?

A. I saw Mr. *Emmet* there, but I will not say that I did not see another person there.

Q. Did you think you were in hell when you awoke?

A. I would rather be out of it.

Q. Where did you go when you got out?

A. To Counsellor Vicars.

Q. Where were you taken?

A. In Lucan.

Q. Did you tell what you saw to Mr. Vicars.

A. I did not.

Q. He would have gone to a magistrate?

A. He would.

Q. And prevented much mischief?

A. I believe so.

Q. How came you to be taken?

A. I can't say.

Q. Was it because some person gave information against you?

A. I suppose so.

Q. And then you recovered your speech and gave information?

A. Yes.

Q. Were you sworn to it?

A. No.

Q. Were you never sworn till you came upon the table?

A. No.

Q. When did you give information?

A. Some time last week.

Q. You heard of the rebellion—of the murders which were committed—and the mischief which was done, and never recollected or mentioned you were in the *depot* until you were taken?

A. No.

Q. Would you have given information till the day of judgment, if you had not been taken?

A. I believe not.

Q. Was it for the sake of public justice that you gave information?

A. It was for the sake of my family.

Q. How for the sake of your family?

A. To recover my liberty to earn bread for them.

Q. But you would not have told anything of the matter if you had not been taken?

A. No.

Q. (*By the Jury.* Do you believe you fell asleep in that *depot,* or was you carried there while you were asleep?

A. Indeed, I believe I fell asleep there.)

Patrick Farrell.

Examined by Mr. MAYNE.

Q. Do you remember *Saturday* night the 23d of *July?*

A. I do.

Q. Where did you live before that time?

A. I lived with Mr. *Ormsby* in *Thomas-street.*

Q. What business does he follow?

A. A Grocer.

Q. What was your business?

A. Steward to him.

Q. Do you remember anything particular happening to you on the *Friday* night before the 23d of *July?*

A. Nothing particular happened—but I was passing by that night upon business of my master's.—I passed through that lane where the *depot* was afterwards found.

Q. About what time?

A. Between nine and ten o'clock.

Q. You know where that store of arms and ammunition was found?

A. I do.

Q. What lane is it in?

A. In *Marshal-lane.*

Q. Did you stop there?

A. At no place but at that very place.

Q. What place?

A. That malt-house.—I heard a noise in it—and thinking it was a waste house, I was surprised.

Q. What happened there when you stopped?

A. I was not over two minutes there, when a man opened the door and catched me and asked me what I was doing there?

Q. What was done with you?

A. I was brought in.

Q. Were there any other people there, besides the man who brought you in?

A. There were.

Q. How many as you can tell?

A. Between fourteen and fifteen—as near as I can guess.

Q. Were you kept there?

A. I was asked, what brought me there? or was I ever there before?—I said I was not.—They asked me, did I know *Graham,* I said, I did not—they asked me, what brought me there? I said, nothing—but that I was going by and heard a noise—One of them said I was a spy, and called *"Drop him immediately".*

Q. What did they mean by that?

A. To shoot me, as I thought.—They brought me upstairs, and, after some consultation, which I could not hear, they agreed to wait for some person to come in.

Q. They asked you, did you know *Graham?*

A. Yes.

Q. Did any person come afterwards?

A. Yes; a person came in about half an hour.

Q. Did the person whom they agreed to wait for to decide upon you, come in?

A. Yes, he did.

Q. Did he question you?

A. He asked me, did I know *Graham.*—I said not—at the same time a light came in, and I looked about me and was asked did I know anybody there—I knew *Quigley,* and said, I knew him.—I was asked, "where?" I said about five or six years ago at *Maynooth,* as a bricklayer or mason.

Q. You knew him?

A. I did, and I understood he was the person who went by the name of *Graham.*

Q. How long were you kept there?

A. From that time till about the same time next night.

Q. Then the person who came in decided for you, and you were not dropped?

A. He ordered me into care, and desired me not to be let out.

Q. Look at the bar?

A. That is the gentleman who came in—(*pointing to the prisoner*).

Q. Are you sure that is the gentleman who came in and decided for you, that you were not to be killed?

A. I am positively sure.

Q. You say, you were kept the whole of the next day.—Did you see him often that *Saturday?*

A. At different times in and out.

Q. Did you see him take any part?

A. I did see things done by his directions in it.

Q. Did you see him often that day?

A. I did.

Q. You say you were kept a prisoner?

A. I was till near nine o'clock, when I

was set to work about the house among the rest.

Q. What did you do?

A. The first thing was to take in boards from off a car.

Q. Was any use made of them?

A. I saw them made into cases and pikes put in them.

Q. How do you mean, made into cases?

A. The boards were nailed together and pikes put into them.

Q. Did you observe were there many?

A. There was.

Q. Were any sent out while you were there?

A. There were.

Q. Can you describe more accurately for the Jury what the cases were?

A. They were made of the outside slabs of a long beam, taken off about an inch or something more thick—four or five inches at each end of the beam was cut off—the slabs were nailed together, and these pieces put in at the ends, so that it appeared like a rough plank or beam of timber.

Q. Were they filled with pikes and sent out while you were there?

A. They were

Q. Did you see any pikes that were not put into the cases?

A. A great number—more than I could reckon, piled up, standing against the wall. and lying down.

Q. Did you see any other kind of arms?

A. I did—blunderbusses and pistols.

Q. Were there more persons there in the course of *Saturday*, than there had been on *Friday?*

A. There came a good many in and out—most of them country people.

Q. Had you attempted to escape during the day?

A. I could not get near the door, nor would I be let.

Q. Did you see any other things there calculated for mischief besides what you mentioned?

A. I saw boards with nails drove through them up to the head.

Q. Did you understand the use of them?

A. I heard them express, that they were to annoy the cavalry, by throwing them into the street.

Q. Did you see any bottle machines?

A. I did—there were small bottles, like thumb bottles, covered with shot, and linen and clay, and there was powder within side.

Q. Did you see any other?

A. I did, larger ones, with balls and linen or canvas tied over them and clay also.

Q. Did you see any chains?

A. I did.

Q. Were these things seen by you while the prisoner was there?

A. He was in and out.

Q. What were they doing with these things?

A. I was obliged to do something to them myself—I was brought up, and was obliged to fill tubes with powder and put it into the bottles.

Q. Who commanded or gave directions there?

A. All the directions I heard were from the gentleman at the bar. When he was absent, others gave directions; but I understood they were from him.

Q. Did you see any beams of timber there?

A. I did; with hollow tubes through them, and a three-inch diameter hole bored at the top, into which powder was put. The tube was also filled with powder, and stones were put on the top to keep it down.

Q. Did you see many of them?

A. I saw three or four at any rate.

Q. Did you see any clothes?

A. I saw green clothes.

Q. And cartridges?

A. I did—ball-cartridges and flints.

Q. Did you see any particular uniforms?

A. I saw three men in the evening dressed in green uniforms.

Q. Was that upon *Saturday* evening?

A. It was.

Q. What was there particular in the uniforms?

A. This gentleman present wore two gold epaulettes, the other two men but one each. He had also a cocked hat, a sword and pistols.

Q. Was there gold lace upon any part of the coat?

A. There was lace upon the button holes and sleeves.

Q. Were there more people there in the evening than there had been in the morning?

A. Towards evening they were gathering pretty smart into it.

Q. How did you get away?

A. On that evening, when they were carrying away one of these large beams, I was called down to assist, and then I made my escape.

Q. Did you get away before they went to work that evening?

A. They were just going out—the pikes were thrown out, and one of these beams was put upon a car which was going off.

Q. How did they throw down the pikes?

A. From the first floor of the warehouse above the ground, they let them fall down, with the spikes uppermost.

Q. About what hour did you leave them?

A. I think about nine o'clock; Lord *Moira's* bell had just rung.

Cross-Examined.

Mr. MacNally. My Lords, I did not intend to ask any questions of this witness in the way of cross-examination; but at the express desire of my client, I shall be excused in putting such questions as he suggests to me; and which will be considered as coming directly from him.

Q. You say you saw *Quigley?*

A. I did.

Q. The prisoner wishes to know what business he is?

A. I do not know what he is; but he was employed about Maynooth as a mason. I knew him, and remember him well, and can not be mistaken.

Q. Did you see *Dowdall* there?

A. If I did, I did not know him.

Q. How many people did you see there who appeared to be active men, having command in different situations?

A. There were a good many, and every man very hearty in the business.

Q. Did many go in and out, who had no residence in the place?

A. There did.

Q. What appearance had they?

A. Some of them country people, and some like citizens, and some well-dressed people.

Q. Were there any like esquires?

A. I can't say.

Q. Were you not well fed while you were there, and treated with lenity and humanity?

A. Middling.

Q. You had the same allowance as others?

A. I had a little milk.

Q. Any meat?

A. Not a bit.

Q. Any beer?

A. No.

Q. Whiskey?

A. No.

Q. Any bread?

A. Yes.

Q. Was it cold?

A. It was not very warm.

Q. Did you hear any printed paper read?

A. I did—part of it only.

Q. What did it state?

A. I cannot recollect it all now; but it appeared to me as if the man reading said that nineteen counties were ready to rise.

Q. Was anything said about the *French?*

A. Not the smallest, as I heard;—they said they had no idea as to *French* relief, but to make it good themselves.

Q. Do you recollect that any person objected to the paper when it was read, or that any observation was made as to its being proper or improper?

A. The observation I heard, listening like another, was, that *it was very good.*

Q. Was there no observation of any other kind?

A. No.

Q. Did you hear any person object, that the paper was too merciful?

A. No, I did not hear it.

Q. (*By the Court.*) How soon after you saw this did you give information of it?

A. Sunday morning, at eleven o'clock.

Q. Was that the next day?

A. Yes.

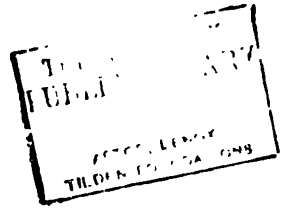
Q. To whom?

A. To my master.

Serjeant Thomas Rice,

Examined by Mr. Attorney-General.

(Rice proved the finding of the large Proclamation, issued by the Irish Provisional Government, in the stores, the testimony being the same as given during



The Provisional Government

TO

THE PEOPLE OF IRELAND.

YOU are now called on to shew to the world that you are competent to take your place among nations, that you have a right to claim their recognizance of you, as an independent country, by the only satisfactory proof you can furnish of your capability of maintaining your independence, your wresting it from England with your own hands.

In the developement of this system, which has been organized within the last eight months, at the close of internal defeat and without the hope of foreign assistance; which has been conducted with a tranquillity, mistaken for obedience; which neither the failure of a similar attempt in England has retarded, nor the renewal of hostilities has accelerated; in the developement of this system you will shew to the people of England, that there is a spirit of perseverence in this country, beyond their power to calculate or to repress; you will shew to them that as long as they think to hold unjust dominion over Ireland, under no change of circumstances can they count on its obedience; under no aspect of affairs can they judge of its intentions; you will shew to them that the question which it now behoves them to take into serious and instant consideration, *if not*, whether they will resist a separation, which it is our fixed determination to effect, but *whether or not, they will drive us beyond separation*; whether they will by a sanguinary resistance create a deadly national antipathy between the two countries, or whether they will take the only means still left, of driving such a sentiment from our minds, a prompt, manly, and sagacious acquiescence, in our just and unalienable determination.

If the secrecy with which the present effort has been conducted, shall have led our enemies to suppose that its extent must have been partial, a few days will undeceive them. That confidence, which was once lost, by trusting to external support, and suffering our own means to be gradually undermined, has been again restored. We have been mutually pledged to each other, to look only to our own strength, and that the first introduction of a system of terror, the first attempt to execute an individual in one county, should be the signal of insurrection in all. We have now, without the loss of a man, with our means of communication untouched, brought our plant to the moment when they are ripe for execution, and in the promptitude with which nineteen counties will come forward at once to execute them, it will be found that neither confidence nor co-

vernment, such Irishmen as have been sold or transported, by it for their attachment to freedom; and for this purpose, it will retain as hostages for their safe return, such adherents of that government as shall fall into its hands. It therefore calls upon the people to respect those hostages, and to recollect that in spilling their blood, they would leave their own countrymen in the hands of their enemies.

The intention of the provisional government, in to resign its functions, as soon as the nation shall have chosen its delegates, but in the mean time, it is determined to enforce the regulations hereunto subjoined;—In consequence takes the property of the country under its protection, and will punish with the utmost rigour any person who shall violate that property, and thereby injure the present resources and the future prosperity of Ireland.

Whoever refuses to march to whatever part of the country he is ordered, is guilty of disobedience to the government, which alone is competent to decide in what place his services are necessary, and which desires him to recollect, that in whatever part of Ireland he is fighting, he is still fighting for its freedom.

Whoever presumes by acts or otherwise to give countenance to the calumny propagated by our enemies, that this is a religious contest, is guilty of the grievous crime of belying the motives of his country. Religious disqualification is but one of the many grievances of which Ireland has to complain. Our intention is to remove not that only, but every other oppression under which we labour. We fight, that all of us may have our country, and that done—each of us shall have his religion.

We are aware of the apprehensions which you have expressed, that in quitting your own counties, you leave your wives and children, in the hands of your enemies; but on this head have no uneasiness. If there are still men base enough to persecute those, who are unable to resist, shew them by your victories that we have the power to punish, and by your obedience, that we have the power to protect, and we pledge ourselves to you, that these men shall be made to feel, that the safety of every thing they hold dear, depends on the conduct they observe to you. Go forth then with confidence, conquer the foreign enemies of your country, and leave to us the care of preserving its internal tranquillity; recollect that not only the victory, but also the honour of your country, is placed in your hands, give up your private animosities now, come over to the standard of your country, and our country. We war not against property—We war against no religious sect—We war not against past opinions or prejudices—We war against English dominion. We will not however say, that there are some men, who, not because they have supported the government of our oppressors, but because they have violated he common laws of morality, which exist alike under all or under no government, have put beyond our power to give to them the protection of a government. We will not hazard the influence we may have with the people, and the power it may give us of preventing the excesses of revolution, by undertaking to place in tranquillity the man who has been guilty of torture, free quarters, rape and murder, by the side of the sufferer or their relations; but in the frankness with which we warn these men of their danger, let those who do not feel that they have passed this boundary of mediation, count on their safety.

We had hoped for the sake of our enemies to have taken them by surprize, and to have commenced the work of our country before they could have time to commit themselves against us; but though we have not altogether been able to succeed, we are yet rejoiced to find that they have not come forward with promptitude on the side of those who have deceived them, and we now call on them before it is yet too late, not to commit themselves further against a people they are unable to resist, and in support of a government, which, by their own declaration has forfeited its claim to their allegiance.

To that government, whose hands, though not the issue, at least the features with which the present conest is to be marked, are placed, we now turn. How it is to be decided? is open and honourable force alone to be resorted to, or is it your intention to employ those laws which custom has [illegible], and to force us to employ the law of retaliation in our defence?

Of the inefficacy of a system of terror, in preventing the people of Ireland from coming forward to assert their freedom, you have already had experience. Of the effect which such a system will have on our minds in case of success, we have already forewarned you—We now address to you another consideration—If in the question which is now to receive a solemn and we trust final decision if we have been deceived reflection would point out that conduct should be referred to, which was the best calculated to produce conviction on our minds. What would the [illegible]

2. From the same date, all transfers of landed property are prohibited, each person, holding what he now possesses, on paying his rent until the national government is established, the national will declared, and the courts of justice organized.
3. From the same date, all transfer of Bonds, debentures, and all public securities, are in like manner and form forbidden, and declared void, for the same time, and for the same reasons.
4. The Irish generals commanding districts, shall seize such of the partizans of England as may serve for hostages, and shall apprize the English commander opposed to them, that a strict retaliation shall take place if any outrages contrary to the laws of war shall be committed by the troops under his command, or by the partizans of England in the district which he occupies.
5. That the Irish generals are to treat (except where retaliation makes it necessary) the English troops who may fall into their hands, or such Irish as serve in the regular forces of England, and who shall have acted conformably to the laws of war, as prisoners of war; but all Irish militia, yeomen, or volunteer corps, or bodies of Irish, or individuals, who fourteen days from the promulgation and date hereof, shall be found in arms, shall be considered as rebels, committed for trial, and their properties confiscated.
6. The generals are to assemble court-martials, who are to be sworn to administer justice; who are not to condemn without sufficient evidence, and before whom all military offenders are to be sent instantly for trial.
7. No man is to suffer death by their sentence, except for mutiny; the sentences of such others as are judged worthy of death, shall not be put in execution until the provisional government declares its will, nor are court-martials on any pretext to sentence, nor is any officer to suffer the punishment of flogging, or any species of torture, to be inflicted.
8. The generals are to enforce the strictest discipline, and to send offenders immediately before court-martials, and are enjoined to chace away from the Irish armies all such as shall disgrace themselves by being drunk in presence of the enemy.
9. The generals are to apprize their respective armies, that all military stores, arms, or ammunition, belonging to the English government, be the property of that [illegible]

19. The county committee shall cause the sheriff or his officers to seize on all the personal and real property of such persons, to put seals on their effects, to appoint proper persons to preserve all such property until the national courts of justice shall have decided on the fate of the proprietors.
20. The county committee shall act in like manner, with all state and church lands, parochial estates, and all public lands and edifices.
22. The county committee shall in the interim receive all the rents and debts of such persons and estates, and shall give receipts for the same, shall transmit to the provisional government an exact account of their value, extent and amount, and receive the directions of the provisional government thereon.
22. They shall appoint some proper house in the counties where the sheriff is permanently to reside, and where the county committee shall assemble, they shall cause all the records and papers of the county to be there transferred, arranged, and kept, and the orders of government are there to be transmitted and received.
23. The county committee is hereby empowered to pay out of these effects, or by assessment, reasonable salaries for themselves, the sheriff justices and other magistrates whom they shall appoint.
24. They shall keep a written journal of all their proceedings signed each day by the members of the committee, or a sufficient number of them for the inspection of government.
25. The county committee shall correspond with government on all the subjects with which they are charged, and transmit to the general of the district such information as they may conceive useful to the public.
26. The county committee shall take care that the state prisoners, however great their offences, shall be treated with humanity, and allow them a sufficient support to the end that all the world may know, that the Irish nation is not actuated by the spirit of revenge, but of justice.
27. The provisional government wishing to commit as soon as possible the sovereign authority to the people, direct that each county and city shall elect agreeably to the constitution of United Irishmen, representatives to meet in Dublin, to whom the moment they assemble the provisional government will resign its functions, and without performing

only with our blood that we will desert, until at the express call of our country, from our post, until the acknowledgment of its independence is obtained from England; and that we will enter into no negociation (but for exchange of prisoners) with the government of that country while a British army remains in Ireland. Such is the declaration which we call on the people of Ireland to support—And we call first upon that part of Ireland which was once paralyzed by the want of intelligence, to shew that to that cause only was its inaction to be attributed; on that part of Ireland which was once foremost, by its fortitude in suffering; on that part of Ireland which once offered to take the salvation of the country on itself; on that part of Ireland where the flame of liberty first glowed; we call upon the NORTH to stand up and shake off their Slumber and their oppression.

MEN OF LEINSTER, STAND TO YOUR ARMS.

To the courage which you have already displayed, is your country indebted for the confidence which it now feels in its own strength, and for the dismay with which our enemies will be overwhelmed when they shall find this effort to be universal. But men of Leinster, you owe more to your country than the having animated it by your past example; you owe more to your own courage, than the having obtained, by it a protection. If six years ago, when you rose without arms, without plan, without co-operation, with more troops against you alone, than are now in the country at large; you were able to remain for six weeks in open defiance of the government, and within a few miles of the capital, what will you not now effect, with that capital, and every other part of Ireland ready to support you? But it is not on this head that we have need to address you. No we now speak to you, and through you, to the rest of Ireland, on a subject, dear to us even as the success of our country,—its honour. You are accused by your enemies of having violated that honour; excesses which they themselves had in their fullest extent provoked, but which they have grossly exaggerated, have been attributed to you. The opportunity of vindicating yourselves by actions, is now for the first time before you; and we call upon you to give the lie to such assertions, by carefully avoiding every appearance of plunder, intoxication, or revenge; recollecting that you left Ireland before, not from want of courage, but from not having that courage rightly directed by discipline. But we trust that your past sufferings, have taught you experience, and that you will respect the declaration which we now make and which we are determined by every means in our power to enforce.

The nation alone possesses the right of punishing individuals, and whosoever shall put another person to death, except in battle, without a fair trial by his country, is guilty of murder. The intention of the provisional government of Ireland, is to claim from the English government a full recognition of its independence, and we are more eager to act without any other sanction. We now call upon you to shew, what you then declared you only wanted the opportunity of proving, that you possess the same love of liberty and the same courage with which the rest of your countrymen are animated.

We now turn to that portion of our countrymen whose prejudices we had rather overcome by a frank declaration of our intentions, than conquer their persons in the field; and in making this declaration, we do not wish to dwell on events, which, however, they may bring tenfold odium on their authors, must still tend to keep alive in the minds both of the instruments and victims of them, a spirit of animosity which it is our wish to destroy. We will therefore enter into no detail of the atrocities and oppression which Ireland has laboured under during its connexion with England; but we justify our determination to separate from that country on the broad historical statement, that during six hundred years she has been unable to conciliate the affections of the people of Ireland; that during that time, five rebellions were entered into, to shake off the yoke; that she has been obliged to resort to a system of unprecedented torture in her defence; that she has broken every tie of voluntary connexion by taking even the name of independence from Ireland, through the intervention of a parliament notoriously bribed, and not representing the will of the people; that in her vindication of this measure she has herself given the justification of the views of the United Irishmen, by declaring in the words of her ministers, "That Ireland never had, and never could "enjoy under the then circumstances the benefit of British connexion; that it necessarily "must happen when one country is connected "with another, that the interests of the lesser "will be borne down by those of the greater."* "That England had supported and encouraged "the English colonists in their oppression towards the natives of Ireland; that Ireland "had been left in a state of ignorance, rudeness and barbarism, worse in its effects, and more degrading in its nature, than that in "which it was found six centuries before."† Now to what cause are these things to be attributed? Did the curse of the almighty keep alive a spirit of obstinacy in the minds of the Irish people for six hundred years? Did the doctrines of the French revolution produce five rebellions? Could the misrepresentations of ambitious and designing men drive from the mind of a whole people, the recollection of defeat, and raise the infant from the cradle, with the same feelings with which his father sunk into the grave? Will this gross avowal which our enemies have made of their own views, remove none of the calumny that has been thrown upon ours? Will none of the credit has been lavished on them, be transferred to the solemn declaration which we now make in the face of god

* Lord Castlereagh's speech.

† Consideration on the state of affairs in Ireland, by lord Auckland

[illegible] having beyond your grasp, is only a puerile exuberance requiring but the pressure of your hand to reduce it into form. But for your own sake do not resort to a system, which whilst it increased the acrimony of our minds would leave us under the melancholy delusion that we had been forced to yield, not to the sound and temperate exertions of superior strength, but to the frantick struggles of weakness, conceding itself under desperation. Consider also that the distinction of rebel and enemy is of a very fluctuating nature; that during the course of your own experience you have already been obliged to lay it aside; that should you be forced to abandon it towards Ireland you cannot hope to do so as tranquilly as you have done towards America, for in the exasperated state to which you have raised the minds of the Irish people; a people whom you profess to have left in a state of barbarism and ignorance, with what confidence can you say to that people "while "the advantage of cruelty lay upon our side, "we slaughtered you without mercy, but the "measure of our own blood is beginning to "preponderate, it is no longer our interest that "this bloody system should continue, shew us "then, that forbearance which we never taught "you by precept or example, lay aside your "resentments, give quarter to us, and let us "mutually forget, that we never gave quarter "to you." Cease then we entreat you useless to violate humanity by resorting to a system inefficacious as an instrument of terror, inefficacious as a mode of defence, inefficacious as a mode of conviction, ruinous to the future relations of the two countries in case of our success, and destructive of those instruments of defence which you will then find it doubly necessary to have preserved unimpaired. But if your determination be otherwise, hear ours. We will not imitate you in cruelty; we will put no man to death in cold blood, the prisoners which first fall into our hands shall be treated with the respect due to the unfortunate; but if the life of a single Irish soldier is taken after the battle is over, the orders thence forth to be issued to the Irish army are neither to give or take quarter. Countrymen if a cruel necessity forces us to retaliate, we will bury our resentments in the field of battle, if we are to fall, we will fall where we fight for our country—Fully impressed with this determination, of the necessity of adhering to which past experience has but too fatally convinced us; fully impressed with the justice of our cause which we now put to issue. We make our last and solemn appeal to the sword and to Heaven; and as the cause of Ireland deserves to prosper, may God give it Victory.

Conformably to the above proclamation, the Provisional Government of Ireland, decree that as follows.

1. From the date and promulgation hereof, tithes are for ever abolished, and church lands are the property of the nation.

[illegible] to be like manner to be expended in No. 2 and 3.

2. The generals of the different districts are hereby empowered to confer rank up to colonels inclusive, on such as they conceive to merit it from the nation, but are not to make more colonels than one for fifteen hundred men, nor more Lieutenant-Colonels than one for every thousand men.

3. The generals shall seize on all sums of public money in the custom-houses in their districts, or in the hands of the different collectors, county treasurers, or other revenue officers, whom they shall render responsible for the sums in their hands. The generals shall pass receipts for the amount, and account to the provisional government for the expenditure.

4. When the people elect their officers up to the colonels, the general is bound to confirm it—no officer can be broke but by sentence of a court-martial.

5. The generals shall correspond with the provisional government, to whom they shall give details of all their operations, they are to correspond with the neighbouring generals to whom they are to transmit all necessary intelligence, and to co-operate with them.

6. The generals commanding in each county shall as soon as it is cleared of the enemy, assemble the county committee, who shall be elected conformably to the constitution of United Irishmen, all the requisitions necessary for the army shall be made in writing by the generals to the committee, who are hereby empowered and enjoined to pass their receipts for each article to the owners, to the end that they may receive their full value from the nation.

7. The county committee is charged with the civil direction of the county, the care of the national property, and the preservation of order and justice in the county; for which purpose the county committees are to appoint a high-sheriff, and one or more sub-sheriffs to execute their orders, a sufficient number of justices of the peace for the county, a high and a sufficient number of petty constables in each barony, who are respectively charged with the duties now performed by these magistrates.

8. The county of Cork on account of its extent, is to be divided conformably to the boundaries for raising the militia into the counties of north and south Cork, for each of which a county constable, high-sheriff and all magistrates above directed are to be appointed.

9. The county committee are hereby empowered and enjoined to issue warrants to apprehend such persons as it shall appear, on sufficient evidence perpetrated murder, torture, or other breaches of the acknowledged laws of war and morality on the people, to the end that they may be tried for those offences, so soon as the competent courts of justice are established by the nation.

[illegible] of the population of the cities and counties the following numbers are to be returned from each:—Antrim 13—Armagh 9—Belfast town 1—Carlow 3—Cavan 7 Clare 8 Cork county, north 14—Cork co. south 14—Cork city 6—Donegal 10—Down 16—Drogheda 1—Dublin county 4 -Dublin city 14—Fermanagh 5—Galway 10—Kerry 9—Kildare 4—Kilkenny 7—King's county 6—Leitrim 5—Limerick county 10—Limerick city 3—Londonderry 9—Longford 4—Louth 4—Mayo 12—Meath 9—Monaghan 9—Queen's county 6—Roscommon 8—Sligo 6—Tipperary 13—Tyrone 14—Waterford county 6—Waterford city 2—Westmeath 5—Wexford 9—Wicklow 5—

10. In the cities the same sort of regulations as in the counties shall be adopted; the city committee shall appoint one or more sheriffs as they think proper, and shall take possession of all the public and corporation properties in their jurisdiction in like manner as is directed for counties.

11. The provisional government strictly exhort and enjoin all magistrates, officers, civil and military, and the whole of the nation, to cause the laws of Morality to be enforced and respected, and to execute as far as in them lies justice with mercy, by which alone liberty can be established, and the blessings of divine providence secured.

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Kearney's Trial as reported by Ridgeway, page 53.)

Q. Were you on any service on the evening of the 23rd of July last?

A. I was with Lieutenant *Coultman*, my officer.

Q. Did you go into any house?

A. We went into stores, *Marshal-lane.*

Q. Do you mean the place leading into *Dirty-lane?*

A. I do.

Q. What did you see there?

A. I brought out a bundle of proclamations.

Q. Is that one of them? (*presenting one*)

A. It is; I wrote my name upon it, and put a private mark; there it is.

Q. There were others?

A. There were a great many; but that is the only one I took.

Q. Were the others of the same kind?

A. I believe so.

Q. Did you find this one by itself?

A. No, I took it off a bundle, for my own curiosity.

Q. Do you know what grappling irons and scaling ladders are?

A. I do.

Q. Did you see any that night?

A. I did. I saw ladders and irons for fastening to walls.

Mr. Attorney-General. It would only be a repetition of what the former witness said to examine this man any farther.

The Proclamation was then read—

The Irish nation can never forget that it owes the Union and all its lamentable consequences to the Irish aristocracy.

Rev. Patrick F. Kavanagh.

[In the Union] they [the Irish aristocracy] perpetrated the most extraordinary act of legislative suicide which ever stained the records of a nation.

Barrington.

Chapter XVIII

Examination of witnesses continued—Colonel Spencer Thomas Vassal, eighth witness, testifies he was field officer of the day, July 23rd—Went to Marshalsea Lane.—Found proclamation, took 12 copies quite wet—Remained quarter of an hour, left giving charge to Major Greville—Large quantities of powder about—Things sent to Barracks—Saw a desk like one in Court—Was at depot between 3 and 4 on Sunday—Frederick Darley, alderman, ninth witness, remembers July 23rd; was at depot in Marshalsea Lane, found papers addressed "Robert Ellis, Butterfield".—Also "Treatise on Art of War", and other papers.—Did not mark it.—Captain Henry Evelyn, tenth witness examined, deposes a manuscript draft of more than half the proclamation—Robert Lindsay, soldier, eleventh witness, was employed Sunday morning taking things including desk, which he recognizes, from depot to Barracks—Michael Clement Frayne, Quarter Master 38th Regt., twelfth witness, received things brought to Barracks—Desk given him in charge by Col. Vassal; opened it out of curiosity, saw letter signed "Thomas Addis Emmet" directed to "Mrs. Emmet, Milltown, near Dublin", beginning "My Dearest Robert"—Had a foreign postmark—Edward Wilson, Peace Officer, Workhouse Division, thirteenth witness, details circumstances of explosion in Patrick-street, July 16th, where he found arms, etc.—Expecting riots night July 23rd, went out armed with eleven others to Thomas Street—Details occurrences during which he was wounded and quit—Felix Brady, Esq., Lieut. 21st Fusiliers, fourteenth witness, testifies to circumstances connected with attempted rescue of Col. Brown—John Doyle, Farmer, Tallaght, fifteenth witness, describes arrival at his house of a party during night July 25-26, apparently refugees, two dressed in coats with gold lace and tassels—Identifies prisoner as one—He spoke language that was neither English nor Irish—Passed as French officer—Next morning found a paper (small proclamation) which he handed to John Robinson, Barony Head Constable, the Thursday after—Rose Bagnall, sixteenth witness, lived eight miles from Dublin—Describes midnight arrival at her house of 16 or 17 armed men, Tuesday after Dublin rising—Three had green clothes; one, called "General", stayed one night—John Robinson, Barony Constable, seventeenth witness, confirms evidence of Doyle—Joseph Palmer, clerk to Mr. Colville, eighteenth witness, describes circumstances connected with Emmet's arrest by Major Sirr—Details Emmet's conversation at Palmer's mother's house—Was sick in bed at time of arrest—Proclamation read in Court—Major Sirr, nineteenth witness, after usual question as to recollection, fully describes all circumstances of Emmet's arrest—With the reading of proclamations, case is closed on part of the Crown.

Colonel SPENCER THOMAS VASSAL.

Examined by Mr. TOWNSEND.

Q. Do you remember the 23d of *July?*

A. I do; I was field-officer of the day.

Q. In the course of your rounds I understand you went to *Marshalsea-lane?*

A. Yes.

Q. Did you find that paper there? (*shewing him the small Proclamation addressed to the Citizens of Dublin.*)

A. I did, and many others—I took

twelve of them, quite wet; this one has never been out of my possession 'till I gave it to you.

Q. How long did you remain there?

A. About a quarter of an hour.—I left directions with Major *Greville* not to allow any person to go in; for there was great danger from the quantity of loose powder, and I am surprised it was not blown up before I got there.

Q. You sent the articles which were found there to the barracks?

A. I did; with a party to attend each load.

Q. Did you see any desk in the depot?

A. I saw such a desk as this.

Q. (*By the Court.* At what hour were you at the depot?

A. Between three and four o'clock in the morning of *Sunday*. It was considerably after day-light before I was permitted to go my rounds.)

Not cross-examined.

FREDERICK DARLEY, *Alderman,*

Examined by Mr. TOWNSEND.

Q. Do you recollect the night of the 23d of *July?*

A. I do.

Q. Do you recollect having been in the *depot* in *Marshalsea-lane?*

A. I do.

Q. Did you find that paper there?

A. I did.

[This was a paper directed to *Robert Ellis, Butterfield.*]

Q. Did you find this paper there? (shewing him another—*this was the Treatise on the Art of War.*)

A. I saw several other papers there—this was one of them. It was handed to Capt. *Evelyn.*

Q. Did you mark it?

A. I did not.

Not cross-examined.

HENRY EVELYN, Esq.

Examined by *Mr.* TOWNSEND.

Q. Were you in the depot on the night of the 23d of *July?*

A. I was there on the morning of the 24th, before the things were removed—I went there for the purpose of taking them out of the depot.

Q. Look at this paper [*shewing him a paper—this was a manuscript draft of more than half of the large Proclamation, altered and interlined in some places*]. Did you find that there?

A. I did.

Not cross-examined.

ROBERT LINDSAY, *Soldier.*

Examined by Mr. TOWNSEND.

Q. Do you remember the night of the 23d of *July?*

A. I do.

Q. Was you at the depot?

A. I was employed the next morning in taking things out of it.

Q. Do you know that desk? (*pointing to the desk which had been shewn to the other witness, and which remained upon the table in the Court.*)

A. I do.—I put it upon an Artillery car.—There was a piece knocked off it here, by which I know it.

Q. Where was it taken from?

A. It was handed down to me from the upper part of the *depot.*

Q. What was done with it?

A. It was carried to the Barrack with the other things found there.

Not cross-examined.

MICHAEL CLEMENT FRAYNE.

Q. Do you remember *Sunday* the 24th of *July?*

A. I do.

Q. You were Quarter-master Serjeant of the 38th Regiment?

A. Yes.

Q. Did you receive any things which were brought to the Barrack that day?

A. I did.

Q. Was that desk brought to the barrack that day?

A. It was.

Q. Was it given to you in charge there?

A. It was, by Col. *Vassal*—it was put into the Magazine, and the other articles which arrived after were put over it.

Q. Was the Magazine locked?

A. It was.

Q. Who kept the key of it?

A. I had the charge, and kept the key.

Q. Did you open that desk afterwards?

A. On the Monday after I opened it.

Q. Do you recollect any difficulty you had in getting at it?

A. I got two pioneers along with me, having a curiosity to examine it: We were a considerable time before we could get at it, through the heap of other articles.

Q. Did you find any paper in it?

A. I found this letter in it.

[This was the letter signed *"Thomas Addis Emmet"*, directed to "Mrs. *Emmet*, Milltown, near Dublin", and beginning withinside, "My Dearest Robert".—It had a foreign Post-mark.]

Witness not cross-examined.

EDW. WILSON, Esq.

Examined by Mr. PLUNKET.

Q. You are a Peace-officer in the city of Dublin?

A. I am Chief Peace-officer of the Work-House Division.

Q. Do you recollect the 23d of *July* last?

A. I do.

Q. Do you recollect of any explosion which took place before that?

A. In consequence of an explosion, I visited a house in *Patrick-street.*

Q. What day was it?

A. The 16th of *July*—I found preparations for making powder, and I found pikes, and pike-handles there.

Q. Now Mr. *Wilson,* proceed to state, as shortly as you can, the transactions of the night of the 23d of *July,* as far as you saw them.

[The reader is referred to the testimony of Wilson, as given in Kearney's trial, the first in Ridgeway's Official Reports, of which the following is a copy as there given, on page 37.]

A. I went there about nine o'clock that night; I had received information about six o'clock from the superintendent magistrate that it was expected there would be riots there that evening, and I was directed by him to be upon the alert to prevent them.

Q. Did you take any steps in consequence?

A. I sent an order to the Peace-Officers, who generally act with me, to meet me at the Watch-house in *Vicars-street.*

Q. Where is that?

A. It runs into *Thomas-street,* near the Market-House.

Q. How many met you?

A. Eight, five of whom had pistols, and I examined them to see that they were loaded, and I proceeded with the men to *Thomas-street,* and *Richard Cooley,* a Watch Constable, and two men, making in all eleven men, exclusive of myself.

Q. Were you armed?

A. I had pistols and a sword.

Q. When you arrived in *Thomas-street,* what did you perceive?

A. I saw an unusual number of persons assembled in the street, especially about *Dirty-lane,* and a fountain there.

Q. What description of persons?

A. They seemed to be common working people, many of them seemed to have come from the country; they had frize coats upon them; they seemed to be unarmed; they were in groups of three or four standing together, as if consulting together; I thought they were about something improper; I ordered them to disperse, and told them that if they did not, I would take them into custody.

Q. What did they do upon that?

A. On hearing me, they all, as if knowing each other's minds, went towards *Marshalsea Alley,* and even those from the opposite side also walked into that alley, which astonished me.

Q. They moved as by a preconcerted plan?

A. Yes.

Q. Had they arms?

A. They had then no arms that I saw.

Q. Have you since seen the place where the arms were deposited?

A. I have. The mob went into *Marshalsea-lane alley,* and there is an angle that turns from that lane into *Dirty-lane.*

Q. (*By the Court.* Was there access from that place to where the depot was?

A. There was.)

Q. How far was that turn down the alley?

A. A few yards from the Four Courts, *Marshalsea.*

Q. What did you do?

A. They had scarcely got down as far as *Marshalsea* when I heard three shots fired, and I imagined they had attempted to break open the prison with intent to liberate the prisoners; I thought so at that time. I knew there was a guard at the *Marshalsea,* and I thought the guard would beat them off. I then brought my party down *Dirty-lane,* to attack the mob in the rear, and met them in their retreat.

Q. What happened then?

A. When I got into *Dirty-lane* I observed a great number of persons about the first public-house on the left hand. I went to the door and desired them to shut up the door. One fellow made a sudden effort to get out, but I drove him back; and the woman of the house knowing me (as I had punished her before for keeping improper hours), called out to shut the door, and it was shut. I then proceeded to the lane, which leads into Marshal-lane, and to my utter astonishment found myself at the head of a column of men with pikes on their shoulders; they were moving in a slow manner.

Q. Were there many?

A. The lane was quite full—they were moving regularly, and seemed as if they were waiting for the men in the rear to get arms.

Q. How many do you suppose there were?

A. I suppose three or four hundred.

Q. There was some time occupied while you were at the Public-house?

A. A very little.

Q. What did you do then?

A. I found myself so close on them that it was impossible to retreat. If I thought I could, perhaps I would have done so, but I thought it best to attack them. I called out (holding a pistol in my hand), that if they did not lay down their arms, I would fire upon them.

Q. Did this produce any effect?

A. They seemed surprised at being accosted in this manner, and seemed to look for the place where the voice came from, and some laid their pikes against a wall. I advanced and called out again, when a tall man muffled up with a great coat to his chin, and of better appearance than the rest, made a full lunge of his pike at me.

Q. Were you wounded?

A. I was—it struck me in the belly. In the action of his making the thrust I fired and he received my shot in the breast; he and his pike fell to the ground. Three or four of the Peace-officers fired and killed two or three of them, which threw them into some confusion in the front, but they recovered in a very short time. I thought I was killed. I bled an immensity and retreated towards *Thomas-street,* with my hand upon my wound. The pikemen opened right and left, and left an open space for some men in the rear to fire upon us, which they did.

Q. Did their fire take place [effect]?

A. One of the watchmen whom I saw a few moments before was unfortunately killed.

Q. What further passed?

A. When I got to *Thomas-street,* having the cover of a corner house, I halted the Peace-officers, thinking to have another shot at them, but they did not pursue —they only kept up a fire through the street. By the help of the Peace-officers I got down through *Meath-street* to Newmarket Watch-house, upon the *Comb,* and one of the officers went to the Comb and Cork Street Barracks to *apprise* the army there. I re-loaded and then gave the command of the party to an old soldier among the watchmen and went through *Blackpitts* to *New-street,* where I lived. I called upon Mr. *Bell,* who had a corporal's guard of soldiers, and he planted sentinels upon the road. We took a number of prisoners that night.

Q. You need not mention their names, but state what more passed.

A. I continued on duty the whole night, not wishing to be taken in bed.

Cross-examined by Mr. Bethel (Burrowes)

Q. This was on a *Saturday* night?

A. It was.

Q. You know that *Saturday* evening is a time when a number of working people are returning to their employers, bringing their goods and receiving wages?

A. Yes.

Q. Have you not heard that some of the working people returning home were ar-

rested by the rebels in arms, and forced to join them?

A. I heard the circumstance of one gentleman, but did not know it.

Q. Might that not happen to men in an humbler class of life?

A. It might.

FELIX BRADY, Esq.

Examined by Mr. MAYNE.

(Gave the same account as given at the Kearney trial, of his engagement with the Rebels in Thomas-street upon the night of the 23rd, and the following is a copy of the same from page 37, of Ridgeway's Reports.)

Q. What regiment do you belong to?

A. The 21st Royal Fusileers.

Q. A Lieutenant, I believe?

A. Yes, sir, and Adjutant.

Q. Were you upon any duty on the 23d of *July* last, in the evening?

A. I was.

Q. Where?

A. In *Thomas-street.*

Q. Had you any men under your command that night?

A. I had, between 40 and 50.

Q. Where were they at first?

A. At Cork-street Barracks.

Q. Had you these men with you upon duty.

A. I was to acquaint Colonel *Browne* that there was a mob out in the city, and that our drums had beat to arms.

Q. What hour was this?

A. About half-past nine.

Q. Where was his lodgings?

A. On *Usher's* island.

Q. What part of *Thomas-street* did you come to first?

A. The narrow end, near *James's Gate.* I came across the Canal.

Q. How came you to bring the party with you?

A. There was a report that soldiers were killing in all directions by the mob, and I brought the men with me to escort Colonel *Browne* to the Barracks, or receive his orders.

Q. What did you first meet when you came to *Thomas-street?*

A. I met a man with a pike in his hand in the middle of the street.

Q. Were there any persons with him?

A. No one.

Q. What did you do?

A. I seized him and made a great noise, upon which a bottle was flung from a window on the left among my men; and a shot was fired from an entry on the right, which wounded one of my men.

Q. Is that man living or dead?

A. He is dead. He died on Saturday last.

Q. What did you observe afterwards?

A. I heard a huzza in my front, and I heard a noise of the feet of men approaching me.

Q. Were there many?

A. I cannot say, it was very dark. There were not a great many huzzaing.

Q. What did you then?

A. At the time I left *Cork-street* Barracks, I did not make the men prime and load. Having fixed bayonets then, I did not think a mob would attack me; but when the shot was fired, I formed into a subdivision and made the men prime and load and fire from the first subdivision.

Q. Did you observe anything then?

A. From the light of the firing I saw men armed with pikes, as I found afterwards they were. They appeared to me to be white staves; but I did not know at the time they were pikes. My men kept up an independent fire, and the people fled in all directions.

Q. Did you find anything afterwards?

A. I found six dead and one man dying. Two men were taken; and it was reported to me that they had pikes in their hands, and we got a number of pikes upon the ground.

Q. Is there any person in court who was taken that night?

A. I do not see the man whom I took first.

Q. I do not mean that man. Do you see the Prisoner at the bar?

A. I do. That man was brought to me a prisoner.

[This question was asked at the trial of Kearney, as reported by Ridgeway and repeated by Brady at the trial of Robert Emmet.]

Q. How soon after the fire?

A. In about two minutes. He was afterwards brought to General *Fox*.

Q. There were other prisoners taken that night?

A. There were.

Q. There, and about that time?

A. Yes.

Q. Where did you proceed afterwards?

A. After collecting the pikes, my man who had been wounded caught me by the coat and requested I would give him leave to go to the barracks. He said he was very bad. I said it was dangerous for him to go by himself, and I did not wish to diminish my force by sending a detachment, but that I would bring him to the barracks in *James-street*.

Q. Did you meet anything particular afterwards?

A. None but the events I have told you of.

Q. Did you see any soldiers?

A. After I was at *James-street's* barrack, I found a trunk with *"Cornet Cole"* upon it, and a soldier of the 16th Dragoons dying of pike wounds.

Q. Where was that?

A. At the head of *"Dirty-lane"*.

Cross-examined by Mr. C. BALL.

Q. Some of the soldiers took this man and said he had arms?

A. Yes, and they gave me the pike which it was said was found upon him.

Q. You did not say that upon your direct examination?

A. The question was not asked me.

Q. Where was he brought to?

A. To *James-street* Guard House.

Q. Was he searched?

A. I believe he was, but I was not present.

Q. What became of the man who was taken singly by himself?

A. He was brought to General *Fox*, and from that to the Prevôt.

Q. Was there any doubt as to the identity of the prisoner; and that of the first man taken?

A. Some of the soldiers were of the opinion that this man was the first man taken, but that is nothing to my opinion.

Q. When you marched up street, you did not see the first man until you were close to him?

A. Very close; the men marched close and silent.

Q. Did you march upon the flags?

A. No, in the middle of the street.

Q. You had forty men with you?

A. Yes.

Q. Such a number of men make great noise marching?

A. When men are well disciplined and attentive to the orders they receive they do not make much noise.

Q. You heard Captain *Wilson* examined?

A. Partly.

Q. You heard him say that he could distinguish them in their frize coats and with pikes, though that colour is not so conspicuous as red when there is any confusion.

A. I did not hear that.

Q. Could not the Prisoner, standing single by himself, see you before you saw him?

A. It stands to reason that he might.

Q. Could he not have distinguished your uniform?

A. The night was dark, I do not think he could.

Q. He might have observed you before you observed him?

A. Yes.

Q. Suppose him a mere stranger to the transaction and an innocent man, he could have escaped?

A. From the darkness of the night and the silence of the men it was possible he might be surprized.

Q. Do you not think he might have escaped?

A. I rather think not, for I got within a yard of him before he observed me, as I judged by his appearance.

Q. Your men were clothed in scarlet and had brought arms?

A. Yes.

Q. Could he not upon perceiving them, escape as you believe?

A. I have one thing to believe, that he could not escape as I came upon him.

Q. Do you mean to say that it was impossible he could escape?

A. I believe that from the time he observed us, he could not escape.

Q. Is it your opinion that he did not observe your approach, until you came within a yard of him?

A. He might not have observed us until within a yard of him, and I believe he did not.

Q. Did you charge any person with presenting a pike at you?

A. No, but I charged a man with having a pike in his hand, and he said he found it in the street.

Q. Who was that?

A. I saw him in Court today.

(The witness was desired not to name him.)

Q. Had you at any moment suspected any other man besides that man to have presented a pike at you?

A. No other man, from the time I saw him at daylight afterwards.

Q. Are any of your men to be examined?

A. There are some here.

Q. At what hour did you charge the man with bearing a pike in his hands and presenting it at you?

A. I charged no man with presenting a pike at me.

Q. Did you give a person into custody?

A. I did to the corporal, and he was sent to the Barracks.

Q. Did you identify that man afterwards?

A. I did when I saw him in the Guard House.

Q. How soon after?

A. About fifteen minutes after.

Q. Then in about 15 minutes you charged him with having a pike in his hands?

A. I did not know him to be the man who was taken with a pike.

Q. Then there was a difference of opinion?

A. I will explain that. When I was going to General *Fox* with thirteen prisoners, there was a man making a great noise and kicking up a dust. I asked was that the rascal I took in *Thomas-street?* The man said it was not.

Q. What noise was he making?

A. He was endeavouring to make his escape, and the soldiers would have killed him if I had not prevented them. He threw himself down and tossed himself about to get off, he would not come on by any means. This was the man at the bar (Kearney, being tried).

Q. (*By the Jury.* Did he appear to be in liquor?

A. The first man I took was standing still, and said he was a poor man and had many children; he did not appear to be in liquor.)

Q. You did not see any pike in his hands?

A. No, but the soldier brought him and a pike, and said that was the pike the man had.

Q. (*By the Court.* Was that said in the presence of the Prisoner?

A. It was.)

Q. Did he say anything about it?

A. No, he made no answer.

Mr. BALL. What is said by another person and no answer is made to it by a prisoner, is not evidence against him, unless he makes it evidence, by acting upon it, or adopting it.

Lord NORBURY. It would extremely derogate from the dignity of these proceedings to interrupt the trial by arguing a point of this nature.

Mr. ATTORNEY GENERAL. My Lord, I wish to have the matter cleared up. The witness states that one of the prisoners said, he found a pike in the street.

Q. Which of them was that?

A. The first man we took was brought before General *Fox*, and he said he found a pike in the street.

Q. Was that the prisoner?

A. It was not.

Mr. ATTORNEY GENERAL—My Lord, that ascertains the matter; and I am glad that it has been explained, that the prisoner may have the benefit of it.

FELIX BRADY, Esq., before leaving the witness stand then mentioned this additional circumstance, that upon examining the pikes which they carried away, four of them were found marked with blood about the points and the rings, and one or two

were marked with blood near two feet above the handle.

JOHN DOYLE, Farmer.

Examined by Mr. MAYNE.

Q. Where do you live?

A. *Ballymeece*, in the parish of *Tallaght.*

Q. How far from town?

A. Seven miles; it is near *Old Bawn.*

Q. Were there any particular persons at your place, shortly after the rebellion broke out?

A. There was.

Q. Tell the Jury what day it was?

A. It was the 26th of *July;* at two o'clock in the morning they came to my house.

Q. You were in bed in your house?

A. I was: I had drank pretty heavy, and went to bed between ten and eleven—they came in—a party of people came up to my bed, and I was so heavy asleep, they were stirring and calling me, and I could not waken at once.—But when I looked up I saw a party of people, upon which I lay closer than before. They desired me to take some spirits, which I refused. They then lifted me over into the middle of the bed, and I gave them no assistance—they lay down two of them, one upon each side of me. One of them said, "I had a *French General* and a *French Colonel* beside me, what I never had before". Which was true enough, I never had—I lay there between them for some hours, but between sleep and awake—when I was awake, I found them asleep and then I fell a listening, and I got up and stole out of bed, and I found some blunderbusses and a gun and some pistols.

Q. How many blunderbusses were there?

A. I verily believe there was one again ever man of them.

Q. How many persons were there?

A. There were fourteen at breakfast.

Q. Did you look at the persons who were in bed with you?

A. I did.

Q. Look at the prisoner?

A. I see that young man, or boy, or whatever you call him.

Q. Was he in your bed?

A. He was—he passed for a *French* officer.

Q. Did you hear him speak?

A. I heard him striving to speak.

Q. What was it?

A. I can't tell, I did not understand it.

Q. Was it *Irish* or *English?*

A. It was neither.

Q. How was he dressed?

A. He did not dress for some time—but afterwards when he was going away in the evening, he put on a coat with a great deal of gold lace and tassels.

Q. What colour was it?

A. It was a dark colour, but I looked more at the things that were upon it than at the colour of the cloth.

Q. Was there any other person in such a dress?

A. There was one.

Q. Were there any others besides those you mentioned?

A. There were two more walking about outside, while the rest were lying asleep in different parts.

Q. What time did they go away from you?

A. Between eight and nine in the evening.

Q. Did they take their arms?

A. They did.

Q. How was the Prisoner dressed?

A. He put on that coat and a great jock over it.

Q. What were the two men doing outside?

A. I cannot say, if they were not watching for the rest.

Q. Which way did they go?

A. They turned up the hill.

Q. Was any paper found after them?

A. I found one next morning under the table they breakfasted at.

Q. To whom did you give that paper?

A. To *John Robinson*, the barony constable.

Q. Look at this paper (*Shewing him one of the small Proclamations*).

A. It was exactly like that, having iron-mould upon the back of it; but I cannot read.

Q. (*By the Court.* How soon after did you give that paper to the Barony Constable?

A. The *Thursday* after.

Q. Had you it safe from the time you found it till you gave it to the constable?

A. I had it locked up.)

Not cross-examined.

ROSE BAGNALL,

Examined by Mr. MAYNE.

Q. Where do you live?

A. In *Ballynascorney.*

Q. How far from *Dublin?*

A. About eight miles.

Q. Do you know *Doyle?*

A. I do; he worked for me some time.

Q. How far from you is his house?

A. About a mile.

Q. Did any particular persons come to your house shortly after the rebellion broke out here?

A. Not till the *Tuesday* following.

Q. About what time of the night did they come?

A. Between eleven and twelve.

Q. How many came in?

A. I did not reckon them. I was told there was about 16 or 17 of them.

Q. Had they any arms?

A. They had.

Q. Was there any particular dress among them?

A. Three of them, I think, wore green clothes.

Q. Were they ornamented?

A. They had yellow upon them; but I was so much frightened, I did not observe them.

Q. Were the clothes made in a military way?

A. Yes, Sir.

Q. Was there any thing upon their shoulders?

A. Yes.

Q. Was it the colour of gold?

A. It was.

Q. What arms had they?

A. They had some blunderbusses.

Q. What kind of hats had they?

A. They had large cocked hats.

Q. Which of them?

A. Those who wore green.

Q. Did you understand from any of them what they passed for?

A. I heard an alarm that day, that there was a parcel of men in arms at *Ballymeece.*

Q. But did you hear them say any thing about their title or rank?

A. I heard one of them called a General.

Q. Can you swear to any of them?

A. I cannot; I was so much frightened I cannot swear to any of them.

Q. Did they sleep in your house?

A. They did, one night.

Q. You say you were much alarmed?

A. I was indeed, Sir, being a lone woman, with some children.

Not cross-examined.

JOHN ROBINSON.

Examined by Mr. PLUNKET.

Q. Are you a barony constable any where?

A. Yes.

Q. Of what barony?

A. Upper-Cross.

Q. Do you know *John Doyle?*

A. I do.

Q. Did he apply to you any time in the month of *July* last?

A. He came to me the 27th of *July*, on Wednesday about nine o'clock, as we rode into town.

Q. You need not state that; did he at any time hand you this paper (*shewing him the small proclamation*)?

A. He did.

Q. When?

A. On *Thursday*, at his house.

Q. Did he tell you of it on *Wednesday?*

A. He did.

Cross-Examined by Mr. MACNALLY.

Q. You say you got the paper at his house?

A. I did.

Q. Who gave it to you?

A. Doyle himself, out of his own hand.

Q. Why did not you say so at first?

A. I did, Sir.

JOSEPH PALMER,

Examined by the ATTORNEY GENERAL.

Q. What occupation do you follow?

A. A clerk.

Q. To whom, pray?

A. To Mr. *Colville.*

Q. Do you reside in his house, or with any part of your own family?

A. I resided at a house in *Harold's-cross.*

Q. With whom, pray?

A. With my mother; I have a lodging there.

Q. Do you recollect her having had any other lodger in the month of *January* or *February* last, or in *March?*

A. She had, Sir.

Q. Do you recollect, whether a short time since any person was apprehended in your mother's house?

A. There was.

Q. Who apprehended him?

A. Major *Sirr.*

Q. Pray did that person lodge at your mother's house any time last spring?

A. He did.

Q. Pray, what name did he go by, when he first came to lodge there?

A. Hewitt, Sir.

Q. Was that *Hewitt* the same person who was afterwards arrested by Major *Sirr?*

A. Yes, Sir.

Q. Pray do you recollect when he left your mother's house last spring?

A. I cannot recollect.

Q. Was it in *February, March* or *April?*

A. I cannot say; it was about three months before the time he was taken.

Q. Did he return at any time to lodge in your mother's house?

A. He did.

Q. Will you have the goodness to mention when he returned before he was taken prisoner?

A. About three weeks or a month before he was taken.

Q. When he returned the second time, and before his arrest, under what name did he pass?

A. Hewitt, Sir.

Q. Do you recollect how he was dressed, when he returned?

A. Yes.

Q. Mention it.

A. He had a brown coat, white waistcoat and white pantaloons, and Hessian boots.

Q. What were the pantaloons made of—linen or cloth?

A. They were cloth.

Q. What stock had he on?

A. A black stock.

Q. During the last month, did he receive any visitors at the house?

A. He did.

Q. Did he ever receive more than one person at a time?

A. I believe he did.

Q. By what name did they enquire for him?

A. By the name of *Hewitt,* Sir.

Q. Pray, Sir, at the time he was arrested, was any label on the door of the house expressive of the inhabitants who lived in it.

A. There was.

Q. Who drew it?

A. It was I.

Q. Pray, Sir, was Mr. *Hewitt's* name mentioned in that label?

A. No, Sir.

Q. Was that lodger who passed by the name of *Hewitt* mentioned by any other name, or was he wholly omitted.

A. He was omitted.

Q. What induced you to omit his name upon that label?

A. He did not wish it to be put on.

Q. Did you collect in your conversation with him, what his reason was for having it omitted?

A. Yes, Sir.

Q. Will you mention it, if you please, Sir.

A. He was afraid that Government would take him up.

Q. Pray, Mr. *Palmer,* did he state what his cause of apprehension was; did he speak of the transaction of the 23d *July?*

A. He did.

Q. Will you mention the amount of those conversations?

A. I cannot unless you ask me.

Q. I do not wish to ask you particulars, because it might have the appearance of suggesting them to you: I would rather you would mention them yourself—Did he say where he passed that evening?

A. He said he passed part of it in *Thomas-street.*

Q. Had he any conversation with you respecting the dress he wore?

A. He had.

Q. Mention it.

A. He said he had the pantaloons and boots and waistcoat that I spoke of before.

Q. Did he mention a coat?

A. He did.

Q. What coat?

A. He said it was a very handsome uniform.

Q. (*By the Jury.* Did he say it was a military dress?

A. I do not recollect.)

Q. Is not a uniform a military dress?

A. Yes.

Q. Did he say anything more about it; what the colour was?

A. I do not recollect he mentioned the colour, but he said it was very handsome.

Q. Had you any conversation with him about any loss he sustained that night?

A. No, Sir.

Q. Had you any conversation respecting a magazine?

A. Yes, he said something about that.

Q. Mention what he said.

A. He mentioned there was a parcel of powder lost.

Q. (*By the Jury.* Did he say where it was lost?

A. At a depot.

Q. Where?

A. He did not say where.)

Q. Had you any conversation respecting a proclamation?

A. Yes, he said there was such a thing.

Q. Did he mention to you any particular mode by which he could leave the house in case any person came to arrest him?

A. He did.

Q. What was it?

A. That if any person came to arrest him he could go through the parlour window into the back-house and through the fields.

Q. Pray, Sir, during the month or three weeks that he was latterly in the house, was he in the habit of writing?

A. He might have wrote, but I did not see any of his writing.

Q. Look at that paper, did you ever see it before? (*shewing him the paper found upon the chair.*)

A. I did.

Q. Where?

A. With Doctor *Trevor.*

Q. Did you ever see it in your mother's house?

A. No.

Q. Whose hand-writing is it?

A. I cannot say.

Q. By virtue of your oath is it the writing of yourself, or your mother, or any of the family?

A. By virtue of my oath it is not.

Q. (*By the Jury.* Are you acquainted with the handwriting of the person of the name of *Hewitt?*

A. No, Sir.)

Q. In what room did he lodge?

A. In the back parlour.

Q. Were you at the house the evening he was arrested?

A. I was.

Q. Did you see him under arrest?

A. No, Sir.

Q. Was there any other lodger there?

A. No, not to my knowledge.

Q. Do you know he was arrested by Major *Sirr?*

A. I do; the Major came into my room; I was in bed, unwell.

Q. Was there any other person arrested in your mother's house this summer?

A. No.

Q. Was the prisoner that person who was arrested?

A. He was, Sir.

Not cross-examined.

Extracts from the Proclamation found by Serjeant *Rice* were read:—It is stated at large in Kearney's Trial [*Vide* Note XX in the Appendix of this work.]

Mr. MacNally suggested a wish on the part of the prisoner, to have a passage read from this Proclamation.

Mr. Attorney General said it might be read, when the prisoner went into his defence.

Mr. Burrowes. It will be better to read it now, particularly as the prisoner desires it.

It was accordingly directed to be read—and No. 6 of the Decretal part was read as follows:—

"6. The Generals are to assemble Court-martials, who are to be sworn to administer Justice; who are not to condemn without sufficient evidence, and before whom all military offenders are to be instantly sent for trial."

Mr. Emmet said that was not the part he desired.—And the printed part of the Proclamation was handed to him, and he pointed out this passage, which was read by the Clerk of the Crown.—

"7. No man is to suffer death by their sentence, except for mutiny, the sentences of such others as are judged worthy of death, shall not be put in execution until the Provisional Government declares its will; nor are Court-martials on any pretext to sentence, nor is any officer to suffer the punishment of flogging, or any species of torture to be inflicted."

Mr. Burrowes. This proclamation has appeared in several publications, from which Mr. *Emmet* might learn its contents.

The short Proclamation addressed to the Citizens of Dublin, was then read.

CITIZENS OF DUBLIN.

"A Band of Patriots, mindful of their oath and faithful to their engagement as *United Irishmen*, have determined to give freedom to their country, and a period to the long career of English oppression.

"In this endeavour, they are now successfully engaged, and their efforts are seconded by complete and universal cooperation from the country; every part of which, from the extremity of the North, to that of the South, pours forth its warriors in support of our hallowed cause. Citizens of Dublin, we require your aid; necessary secrecy has prevented to many of you, notice of our plan; but the erection of our national standard, the secret, though long degraded *Green*, will be found a sufficient call to arms, and rally round it every man in whose breast exists a spark of patriotism, or sense of duty; avail yourselves of your local advantages; in a city each street becomes a defile, and each house a battery;—impede the march of your oppressors, charge them with the arms of the brave, the pike, and from your windows and roofs, hurl stones, bricks, bottles, and all other convenient implements on the heads of the satellites of your tyrant, the mercenary, the sanguinary soldiery of England.

"Orangemen! add not to the catalogue of your follies and crimes; already, have you been duped to the ruin of your country, in the legislative union with its tyrant;—attempt not an opposition, which will carry with it your inevitable destruction, return from the paths of delusion; return to the arms of your countrymen, who will receive and hail your repentance.

"Countrymen of all descriptions, let us act with union and concert: All sects, Catholic, Protestant, Presbyterian, are equally and indiscriminately embraced in the benevolence of our object: Repress, prevent, and discourage excesses, pillage and intoxication; let each man do his duty, and remember, that during public agitation, inaction becomes a crime: Be no other competition known than that of doing good; remember against whom you fight, your oppressors for six hundred years, remember their massacres, their tortures, remember your murdered friends—your burned houses—your violated females; keep in mind your country, to whom we are now giving her high rank among nations, and in the honest terror of feeling, let us all exclaim, that as in the hour of her trial we serve this country, so may God serve us, in that which will be last of all."

[This Proclamation "To the Citizens of Dublin" and generally attributed to Robt. Emmet, was written by Philip Long.]

Sirr Describes the Arrest

Major HENRY CHARLES SIRR.*

Examined by the ATTORNEY-GENERAL.

Q. Do you recollect having arrested any person at Harold's-cross?

A. I do.

Q. Without disclosing the information which you received:—state shortly what passed?

A. I went in the evening of the 25th to the house of one *Palmer.* I had heard there was a stranger in the back parlour. I rode, accompanied by a man on foot; I desired the man to knock at the door—he did, and it was opened by a girl. I alighted, ran in directly to the back parlour. I saw the prisoner, sitting at dinner; the woman of the house was there, and the girl who opened the door was the daughter of the woman of the house. I desired them to withdraw. I asked the prisoner his name; he told me his name was *Cunningham.* I gave him in charge to the man who accompanied me, and I went into the next room to ask the woman and her daughter about him; they told me his name was *Hewitt;* I went back to him and asked him how long he had lodged there? he said he came that morning. He had attempted to escape before I returned, for he was bloody and the man said he knocked him down with a pistol. I then went to Mrs. *Palmer,* who said he had lodged there for a month. I then judged he was some person of importance. When I first went in, there was a paper upon a chair, which I put in my pocket; I then went to the canal bridge for a guard, having desired them to be in readiness as I passed by; I planted a sentry over him, and desired the non-commissioned officer to surround the house with sentries while I searched it. I then examined Mrs. *Palmer,* and took down her account of the Prisoner; during which time, I heard a noise, as if an escape was attempted; I instantly ran to the back part of the house, as the most likely part for him to get out at; I saw him going off, and ordered a centinal to fire, and then pursued myself, regardless of the order. The sentry snapped, but his musquet did not go off. I overtook the Prisoner, and he said, "I surrender". I searched him, and found some papers upon him.

Q. Did he say anything with regard to the wound he got?

A. I expressed concern at being obliged to treat him so roughly; he said, "All was fair in war".

Q. Look at this paper.

A. I found this in the room of Mr. *Cunningham.*

Q. You mean the prisoner?

A. I do.

Q. Was there any other person there?

A. No other:—the woman and her daughter had retired.

Q. You found other papers in his possession?

A. I did.

Q. When he got to the castle, did he admit he bore any other name?

A. He did; he admitted he was Mr. *Emmet.*

Here extracts copied from these papers were offered to be read, having been previously shewn to the counsel for the prisoner, who consented to the reading of them; but the court would not permit it.

Lord NORBURY. The gentlemen are pursuaded that this is intended with kindness towards the prisoner; but the court has a duty to discharge, and nothing can be read but what is legally proved; the papers themselves, or such parts as are called for may be read; but these copies cannot be received.

Major SIRR

Cross-examined by Mr. MACNALLY.

Q. Was the paper upon the ground?

A. No—it was upon a chair; the first

*The "Dublin Monthly Magazine" (Feb., 1843), states: "In the year 1796, Sirr was taken from the wine-vaults to act as an instrument of the State in Dublin Castle, and sent upon his mission with the injunction:—

' . . . Be bloody, bold, and resolute; laughing to scorn the powers of man.'

"Such were the circumstances attending Sirr's connection with the State, and such the result of his subsequent promotion, the bravo of '98 ascended the public tribunal in a few years after, robed in the habiliments of justice! Monstrous transformation! He who had been hired to execute the brutal decrees of Martial law, and to trample upon liberty, was thenceforth to administer justice and to guard the public rights, equally and impartially amongst his fellow citizens?"

Henry Charles Sirr Esq.

Town-Major of Dublin &c.

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near the door, as I turned upon the left.

Lord NORBURY. I take the evidence to stand thus:—the witness went to the house and after examination of the woman, who stated that the prisoner lodged there, and the admission of the prisoner himself, that he came there that morning, and the evidence of the son proving that the prisoner lodged in that room, in which this paper is found upon a chair; and not being in the handwriting of any of the family, I think all these circumstances sufficient to let this paper go to the jury; and that it will be evidence against the prisoner, if they believe it to have been in his possession; and this is warranted by Lord *Preston's* case.

Mr. MACNALLY. We do not object to the admission of the evidence.

Lord NORBURY. But we are counsel for the prisoner, and are not to admit any evidence against him, which is not strictly legal; if any question can arise, it is our duty to give him the benefit of it, and we have been suggesting this matter to each other; we think the paper admissable.

The paper found on the chair was then read:

"It may appear strange that a person avowing himself to be an enemy of the present Government, and engaged in a conspiracy for its overthrow, should presume to suggest an opinion to that government on any part of its conduct or could hope that advice coming from such authority, might be received with attention. The writer of this, however, does not mean to offer an opinion on any point, on which he must of necessity feel differently from any of those whom he addresses, and on which, therefore, his conduct might be doubted. His intention is to confine himself entirely to those points on which, however widely he may differ from them in others, he has no hesitation in declaring, that as a man he feels the same interest with the merciful part, and as an *Irishman* with at least the *English* part of the present administration, and at the same time to communicate to them in the most precise terms that line of conduct which he may hereafter be compelled to adopt, and which however painful, it must under any circumstances be, would become doubly so if he was not conscious of having tried to avoid it by the most distinct notification.

"On the two first of these points, it is not the intention of the undersigned, for the reason he has already mentioned, to do more than state, what government itself must acknowledge—that of the present conspiracy it knows (comparatively speaking) nothing. That instead of creating terror in its enemies, or confidence in its friends, it will only serve by the scantiness of its information, to furnish additional grounds of invective to those who are but too ready to censure it for the want of intelligence, which no sagacity could have enabled it to obtain. That if it is not able to terrify by a display of its discoveries, it cannot hope to crush by the weight of its punishments. Is it only now we are to learn that entering into conspiracy exposes us to be hanged? Are the scattered instances which will now be brought forward necessary to exemplify the statute? If the numerous and striking examples which have already preceded were insufficient. If Government can neither by the novelty of punishment, nor the multitude of its victims, impress us with terror, can it hope to injure the body of a conspiracy so impenetrably woven as the present, by cutting off a few threads from the end of it.

"That with respect to the second point, no system however it may change the nature, can affect the period of the contest that is to take place; as to which the exertions of United Irishmen will be guided only by their own opinion of the eligibility of the moment for effecting the emancipation of their country.

"That administration. . ."

Extracts were then read from the paper found upon the person of the Prisoner exactly as stated by Mr. ATTORNEY

GENERAL [in his opening address to the Jury. See Page 156 sqq.]

Lord NORBURY. If the Prisoner wishes to have any other part of these papers read, he may.

Mr. BURROWES. My Lord, the Prisoner is aware of that, and throughout the trial will act under that knowledge.

The title of a small manuscript book was read—"Plan of the Elements of War."

And next, the paper which was also found in the depot, and which was stated by Mr. ATTORNEY GENERAL beginning—"I have but little time to look, &c." [See page 161.]

Case closed on the part of the Crown.

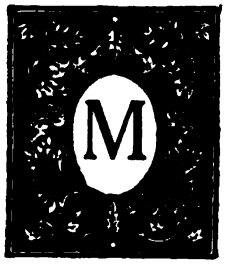
No convocation or community of interests ever will be equitably conducted where both parties are not equally able to assert their own rights, and to resist the innovation of the other.

Miss Emmet.

A rebellion of slaves is always more bloody than an insurrection of freemen.
Lord Charlemont.

Chapter XIX

Mr. Plunket's address—Reviews testimony—Speaks of Quigley and Dowdall as fellow "Consuls" of Prisoner—Declares their intention was to separate Ireland from England and make her a "Free and Independent Republic"—Follows with a declaration against republics and republican ideas—Speaks of new-fangled French principles—Derides talk of 600 years of oppression—Upholds monarchical rule—Ridicules classes to whom prisoner appealed and his Provisional Government—Speaks of Emmet's followers as a "blood-thirsty crew" and invokes God to confound and overwhelm their cause—Madden's criticism—Lines written by Dr. Drennan after Emmet's trial.



'NALLY the informer, the false friend, the traitor to his country was quickly on his feet at the opening of Court, and, as if acting with zeal in the interest of his client, began his part. The records state:

Mr. MacNally. My Lord, Mr. Emmet says he does not intend to call any witnesses, or to take up the time of the Court by his counsel stating any case, or making observations upon the evidence; and, therefore, I presume the trial is now closed on both sides.

Mr. Plunket. It is with extreme reluctance, that under such circumstances, and in a case like this, I do not feel myself at liberty to follow the example which has been set me by the counsel for the Prisoner.

Mr. MacNally. I beg pardon; I am then to call on the Court to decide a matter of practice. No doubt, the crown is entitled to the last word, that is a reply; but if I understand anything of the arrangement of criminal trials it is this. The counsel for the prosecution states the case; after the evidence given in support of it, the prisoner is called upon to state his case; and if he does, the counsel for the prosecution has a right to reply; but I conceive that the word *reply*, according to its true meaning, is this; observing upon that which has been urged in answer to the charge; but if there has been no answer, there can be no reply. I believe the case is new; at least since the proceedings in treason were regulated by statute, there is no instance where there has not been a defence made by the prisoner's counsel, and an answer given to the evidence against him; therefore, I say, it is a new case. However, we do not intend to press the objection further, unless my learned friend, with whom I have the honour to act, should think proper to add anything in respect of it.

Lord Norbury. Were it a matter of any doubt, it would be our duty to have it spoken to; but as there can be no doubt that the counsel for the Crown have a right to speak to a great body of evidence, and that the counsel for the Prisoner cannot by their silence, preclude the Crown from that right—we cannot prevent

the reply; if we did, we would introduce a novel practice, which never prevailed in any of the State trials: into many of which I have looked for some time past.

Mr. Attorney General. My Lord, we feel that stating a case and observing upon evidence are different duties. I have had the burden upon me of stating the case for the Crown. The Prisoner, declining to go into any case, wears the impression, that the case on the part of the Crown does not require any answer; that is the most charitable way of considering his conduct, and, therefore, it is at my particular desire that Mr. Plunket rises to address the Court and the jury upon this occasion.

Mr. Plunket.

My Lords and Gentlemen of the Jury—

You need not entertain any apprehension that at this hour of the day I am disposed to take up a great deal of your time by observing upon the evidence which has been given. In truth, if this were an ordinary case, and if the object of this prosecution did not include some more momentous interests than the mere question of the guilt or innocence of the unfortunate gentleman who stands a Prisoner at the bar, I should have followed the example of his counsel; and should have declined making any observation upon the evidence. But, gentlemen, I do feel this to be a case of infinite importance indeed. It is a case important, like all others of this kind, by involving the life of a fellow-subject; but it is doubly and tenfold important because from the evidence which has been given in the progress of it, the system of this conspiracy against the laws and Constitution of the country has been developed in all its branches and, in observing upon the conduct of the Prisoner at the bar, and bringing home the evidence of his guilt, I am bringing home guilt to a person, who, I say, is the centre, the life, blood and soul of this atrocious conspiracy.

Gentlemen, with respect to the evidence which has been offered upon the part of the Crown, to substantiate the guilt of the Prisoner, I shall be very short indeed in recapitulating and observing upon it. I shall have very little more to do than to follow the statement which was made by my learned and eloquent friend, who stated the case on the part of the Crown; because it appears to me, that the outline which was given by him has been with an exactness and precision seldom to be met with, followed by the proof. Gentlemen, what is the sum and substance of that evidence? I shall not detain you by detailing the particulars of it. You see the Prisoner at the bar, returning from foreign countries some time before hostilities were on the point of breaking out between these countries and France. At first avowing himself—not disguising or concealing himself—he was then under no necessity of doing so; but when hostilities commenced, and when it was not improbable that foreign invasion might co-operate with domestic treason, you see him throwing off the name by which he was previously known and disguising himself under new appellations and characters. You see him in the month of March or April going to an obscure lodging at Harold's-cross, assuming the name of *Hewitt*, and concealing himself there—for what purpose? Has he called upon any witness to explain it to you—if he were upon any private enterprize—if for fair and honourable views—or any other purpose than that which is imputed to him by the indictment?

Has he called a single witness to explain it? No; but after remaining six weeks or two months in this concealment, when matters began to ripen a little more, when the house was hired in *Thomas-street*, which became the *depot* and magazine of military preparation, he then thinks it necessary to assume another character and another place of abode, accommodated to a more enlarged sphere of action—he abandons his lodging—he pays a fine of 61 guineas for a house in *Butterfield-lane*, again disguised by another assumed name, that of *Ellis*. Has he called any person to account for this, or to excuse by argument, or even by assertion, this conduct? Why for any honest purpose should he take this place for his habitation under a feigned name?

But you find his plans of treason becoming more mature. He is there associated with two persons, one of the name of *Dowdall.* We have not explained in evidence what his situation is, or what he had been—the other is *Quigley,* he has been ascertained by the evidence to have been a person originally following the occupation of a bricklayer; but he thought proper to desert the humble walk in which he was originally placed, and to become a framer of Constitutions and a subverter of empires.

With these associates he remains at *Butterfield-lane,* occasionally leaving it and returning again; whether he was superintending the works which were going forward; or whether other employment engaged him you will determine. Be it what it may, if it were not for the purpose of treason and rebellion, he has not thought proper by evidence to explain it. So matters continued until some short time before the fatal night of the 23d of July. Matters became somewhat hastened by an event which took place about a week before the breaking out of the insurrection; a house in *Patrick-street,* in which a quantity of powder had been collected for the purpose of the rebellion exploded.

An alarm was spread by this accident; the conspirators found, that if they delayed their schemes and waited for foreign co-operation, they would be detected and defeated; and, therefore, it became necessary to hasten to immediate action. What is the consequence? From that time the Prisoner is not seen in his old habitation; he moves into town, and becomes an inmate and constant inhabitant of this *depot.* These facts which I am stating are not collected by inference from his disguise, his concealment or the assumption of a feigned name, or the other concomitant circumstances, but are proved by the positive testimony of three witnesses, all of whom positively swear to the identity of his person; *Fleming, Colgan* and *Farrell,* every one of whom swears he saw the prisoner, tallying exactly with each other, as to his person, the dress he wore, the functions he exercised; and every one of whom had a full opportunity of knowing him. You saw him at *Butterfield-lane,* under the assumed name of *Ellis*—you see him carrying the same into the *depot,* not wishing to avow his own, until the achievement of the enterprize would crown it with some additional *éclat.*

The first witness, *Fleming,* appears in the character of a person who was privy to the conspiracy—he was acquainted with the *depot* from the moment it was first taken—he had access to it and co-operated in the design—he was taken upon suspicion and under these circumstances he makes the disclosure. If the case of the prosecution rested upon the evidence of this man alone, though an accomplice in the crime, it would be sufficient evidence to go to you for your consideration, upon which you would either acquit the Prisoner or find him guilty. In general, from the nature of the crime of treason—from the secrecy with which it is hatched and conducted, it frequently happens that no other evidence can be resorted to, but that of accomplices; and therefore, notwithstanding the crime of such witnesses, their evidence is admissible to a jury. But doubtless every honest and considerate jury whether in a case of life or not will scrupulously weigh such evidence.

If it be consistent with itself, disclosing a fair and candid account and is not impeached by contradictory testimony, it is sufficient to sustain a verdict of guilt.

But, gentlemen, I take up your time unnecessarily in dwelling upon this topic, which I introduced rather in justification of the principles which regulate such evidence, than as attaching any peculiar weight to it in the present instance. Because if you blot it altogether from your minds you have then the testimony of two other persons not tainted with the conspiracy; one of them brought in while in a state of intoxication, and the other taken by surprize when he was watching at the door, in every respect corroborating the testimony of Fleming, and substantiating the guilt of the prisoner. You heard the kind of implements which were prepared—their account of the command assumed by the Prisoner,—living an entire week in the

depot, animating his workmen, and hastening them to the conclusion of their business. When the hour of action arrived, you see him dressed in military array, putting himself at the head of the troops who had been shut up with him in the asylum, and advancing with his party, armed for the capture of the Castle, and the destruction of his fellow-citizens!

Gentlemen of the jury, what was the part which the Prisoner took in that night of horrors, I will not attempt to insinuate to you—I hope and trust in God for the sake of himself—his fame—his eternal welfare, that he was incapable of being a party to the barbarities which were committed. I do not mean to insinuate that he was—but that he headed this troop, and was present while some shots were fired, has been proved by uncontroverted testimony. At what time he quitted them—whether from prudence, despair or disgust he retired from their bands, is not proved by evidence upon the table. But from the moment of the discomfiture of his project, we find him again concealed. We trace him with the badges of rebellion glittering upon his person attended by the two other Consuls, *Quigley,* the bricklayer, and *Dowdall,* the clerk—whether for concealment, or to stimulate the wretched peasantry to other acts of insurrection, you will determine,—we first trace him to *Doyle's,* and then to *Bagnall's;* one identifies him—the other, from her fears, incapable of doing so. But the same party, in the same uniforms, go to her house, until the apprehension of detection drove them from her. When he could no longer find shelter in the mountains, nor stir up the inhabitants of them, he again retires to his former obscure lodgings, the name of *Ellis* is abandoned, the regimental coat is abandoned, and again he assumes the name of *Hewitt.* What is his conduct in this concealment? He betrays his apprehensions of being taken up by the Government—for what? Has any explanation been given to show what it could be, unless for rebellion? There he plans a mode of escape, refusing to put his name upon the door. You find him taken a reluctant prisoner, twice attempting to escape and only brought within reach of the law by force and violence. What do you find then? Has he been affecting to disguise his object or that his plan was less dignified than his motive—that of treason? No such thing;—he tells young Palmer that he was in *Thomas-street* that night;—he confesses the treason—he boasts of his uniform, part of which was upon his person when he was taken. He acknowledges all this to the young man in the house—a witness, permit me to remark, not carried away by any excess of over zeal to say anything to the injury of the Prisoner, and therefore to his testimony, so far as it affects the Prisoner, you may with a safe conscience afford a reasonable degree of credit.

Under what circumstances is he taken? In the room in which he was—upon a chair near the door is found an address to the Government of the country; and in the very first paragraph of that address, the composer of it acknowledges himself to be at the head of a conspiracy for the overthrow of the Government, which he addresses, telling them, in diplomatic language, what conduct the undersigned will be compelled to adopt, if they shall presume to execute the law. He is the Leader, whose nod is a FIAT, and he warns them of the consequences!

Gentlemen of the Jury, you will decide whether the prisoner at the bar, or Mrs. *Palmer,* was the person who denounced those terms, and this vengeance against the government. What is found upon him—a letter written by a Brother Conspirator consulting him upon the present posture of the rebellion, their future prospect and the probability of *French* assistance and also the probable effects of that assistance, if it should arrive. What further is found? At the *Depot*—and everything found there, whether coming out of the desk which he appears to have used and resorted to, or in any other part of the place which he commanded, is evidence against him—you find a treatise upon the art of war, framed for the purpose of drilling the party who were employed to effect this rebellion; but of war they have proved that they were incapable of knowing anything but its ferocities and its crimes. You

find two proclamations, detailing systematically and precisely the views and objects of this conspiracy, and you find a manuscript copy of one of them, with interlineations, and other marks of its being an original draft. It will be for you to consider who was the framer of it—the man who presided in the *Depot*, and regulated all the proceedings there,—or whether it was formed by *Dowdall*, the clerk—by *Quigley*, the bricklayer, or any of the illiterate victims of the ambition of this young man, who have been convicted in this court? Or whether it did not flow from his pen, and was dictated by his heart.

Gentlemen, with regard to this mass of accumulated evidence, forming irrefragable proof of the guilt of the prisoner, I conceive no man capable of putting together two ideas can have a doubt—why then do I address you, or why should I trespass any longer upon your time and your attention? Because, as I have already mentioned, I feel this to be a case of great public expectation—of the very last national importance, and because, when I am prosecuting a man, in whose veins the life's blood of this conspiracy flowed, I expose to the public eye the utter meanness and insufficiency of its resources.

What does it avow itself to be?—A plan, not to correct the excesses, or reform the abuses of the Government of the country; not to remove any specks or imperfections which might have grown upon the surface of the Constitution, or to restrain the overgrown power of the Crown—or to restore any privilege of Parliament; or to throw any new security around the liberty of the subject—No, but it plainly and boldly avows itself to be a plan to separate *Great Britain* from *Ireland*, uproot the Monarchy and establish *"A Free and Independent Republic in Ireland"*, in its place! To sever the connection between *Great Britain* and *Ireland!*—Gentlemen, I should feel it a waste of words and of public time, were I to address you or any person within the limits of my voice, were I to talk of the frantic desperation of the plan of any man, who speculates upon the dissolution of that empire, whose glory and whose happiness depends upon its indissoluble connection. But were it practicable to sever that connection—to untie the links which bind us to the *British Constitution*, and to turn us adrift upon the turbulent ocean of revolution, who could answer for the existence of this country, as an independent country, for a year? God and Nature have made the two countries essential to each other, let them cling to each other to the end of time, and their united affection and loyalty will be proof against the machinations of the world.

But how was this to be done? By establishing *"A Free and Independent Republic!"* High sounding name! I would ask whether the man who used them, understood what he meant? I will not ask what may be its benefits, for I know its evils. There is no magic in the name. We have heard of "free and independent Republics", and have since seen the most abject slavery that ever groaned under iron despotism growing out of them.

Formerly, Gentlemen of the Jury, we have seen revolutions effected by some great call of the people, ripe for change and unfitted by their habits for ancient forms; but here from the obscurity of concealment and by the voice of that pigmy authority, self-created and fearing to show itself, but in arms under cover of the night, we are called upon to surrender a constitution, which has lasted for a period of one thousand years. Had any body of the people come forward, stating any grievance or announcing their demand for a change? No, but while the country is peaceful, enjoying the blessings of the Constitution, growing rich and happy under it, a few, desperate, obscure, contemptible adventurers in the trade of revolution form a scheme against the constituted authorities of the land, and by force and violence to overthrow an ancient and venerable constitution and to plunge a whole people into the horrors of civil war?

If the wisest head that ever lived had framed the wisest system of laws which human ingenuity could devise—if he were satisfied that the system were exactly

fitted to the disposition of the people for whom he intended it, and that a great proportion of that people were anxious for its adoption, yet give me leave to say, that under all these circumstances of fitness and disposition, a well judging mind and a humane heart would pause a while and stop upon the brink of his purpose, before he would hazard the peace of the country, by resorting to force for the establishment of his system; but here in the phrenzy of distempered ambition, the author of the Proclamation conceives the project of *"A Free and Independent Republic"*, he at once flings it down and he tells every man in the community, rich or poor, loyal or disloyal, he must adopt it at the peril of being considered an enemy of the country; and of suffering the pains and penalties attendant thereupon?

And how was this revolution to be effected? The Proclamation conveys an insinuation, that it was to be effected by their own force, entirely independent of foreign assistance. Why? Because it was well known that there remained in this country few so depraved, so lost to the welfare of their native land, that would not shudder at forming an alliance with *France;* and, therefore, the people of *Ireland* are told "The effort is to be entirely your own, independent of foreign aid." But how does this tally with the time when the scheme was first hatched; the very period of the commencement of the war with *France?* How does it tally with the fact of consulting in the *depot*, about cooperating with the *French*, which has been proved in evidence? But, gentlemen, out of the Proclamation I convict him of duplicity. He tells the Government of the country not to resist their mandate, or think that they can effectually suppress rebellion, by putting down the present attempt, but that "they will have to crush a greater exertion rendered still greater by foreign assistance", so that upon the face of the Proclamation they avowed in its naked deformity, the abominable plan of an alliance with the usurper of the French throne, to overturn the ancient constitution of the land, and to substitute a new Republic in its place.

Gentlemen, so far I have taken up your time with observing upon the nature and extent of the conspiracy; its objects and the means by which they proposed to effectuate them. Let me now call your attention to the pretexts by which they seek to support them. They have not stated what particular grievance or oppression is complained of, but they have travelled back into the history of six centuries, they have raked up the ashes of former cruelties and rebellions, and upon the memory of them, they call upon the good people of this country to embark into similar troubles—but they forget to tell the people, that until the infection of new-fangled *French* principles was introduced, this country was for one hundred years free from the slightest symptom of rebellion, advancing in improvement of every kind beyond any example, while the former animosities of the country were melting down into a general system of philanthropy and cordial attachment to each other. They forgot to tell the people whom they address, that they have been enjoying the benefits of equal laws, by which the property, the person, and constitutional right and privileges of every man are abundantly protected; they have not pointed out a single instance of oppression. Give me leave to ask any man who may have suffered himself to be deluded by these enemies of the law. What is there to prevent the exercise of honest industry and enjoying the product of it? Does any man presume to invade him in the enjoyment of his property? If he does, is not the punishment of the law brought down upon him? What does he want? What is it that any rational friend to freedom could expect, that the people of this country are not fully and amply in the possession of? And, therefore, when these idle stories are told of 600 years oppression and of rebellions prevailing when this country was in a state of ignorance and barbarism, and which have long since passed away, they are utterly destitute of a fact to rest upon; they are a fraud upon feeling and are the pretext of the factious and ambitious working upon credulity and ignorance.*

*The special pleading resorted to by Mr. Plunket throughout this case is based entirely upon English so-called history of Ireland, with which the world at large has been misled for centuries. The student of today should need no prompting in accepting it at its true value.

Let me allude to another topic;—they call for revenge on account of the removal of the Parliament. Those men, who in 1798 endeavoured to destroy the Parliament, now call upon the loyal men, who opposed its transfer, to join them in rebellion; an appeal vain and fruitless. Look around and see with what zeal and loyalty they rallied round the Throne and Constitution of the country. Whatever might have been the difference of opinion heretofore among Irishmen upon some points, when armed rebels appear against the laws and public peace, every minor difference is annihilated in the paramount claim of duty to our King and Country.

So much, Gentlemen, for the nature of this conspiracy and the pretexts upon which it rests. Suffer me, for a moment to call your attention to one or two of the edicts published by the conspirators. They have denounced, that if a single *Irish* soldier, or in more faithful description, Irish Rebel, shall lose his life after the battle is over, quarter is neither to be given or taken. Observe the equality of the reasoning of these promulgers of liberty and equality. The distinction is this: *English* troops are permitted to arm in defense of the Government and the Constitution of the Country, and to maintain their allegiance; but if an Irish soldier, yeoman or other loyal person who shall not within the space of fourteen days from the date and issuing forth of their sovereign Proclamation, appear in arms with them; if he presumes to obey the dictates of his conscience, his duty and his interest—if he has the hardihood to be loyal to his Sovereign and his country, he is proclaimed a traitor, his life is forfeited and his property is confiscated. A sacred *palladium* is thrown over the rebel cause, while in the same breath undistinguishing vengeance is denounced against those who stand up in defence of the existing and ancient laws of the country. For God's sake, to whom are we called upon to deliver up, with only fourteen days to consider of it—all the advantages we enjoy? Who are they who claim the obedience? The prisoner is the principal; I do not wish to say anything harsh of him—a young man of considerable talents if used with precaution, and of respectable rank in society, if content to conform himself to its laws. But when he assumes the manner and the tone of a legislator, and calls upon all ranks of people, the instant *The Privisional Government* proclaim in the Abstract, a new government, without specifying what the new laws are to be, or how the people are to be conducted and managed—but that the moment it is announced, the whole constituted authority is to yield to him, it becomes an extravagance bordering on phrenzy; this is going beyond the example of all former times. If a rightful sovereign were restored he would forbear to inflict punishment upon those who submitted to the King *de facto;* but here there is no such forbearance. We who have lived under a King, not only *de facto,* but *de jure* in possession of a throne, are called upon to submit ourselves to the Prisoner; to *Dowdall,* the vagrant politician—to the bricklayer, to the baker, the old clothes man, the hodman and the hostler. These are the persons to whom this Proclamation in its majesty and dignity calls upon a great people to yield obedience, and a powerful government to give "a prompt, manly and sagacious acquiescence to their just and unalterable determination!" "We call upon the *British Government* not to be so mad as to oppose us." Why, Gentlemen, this goes beyond all serious discussion, and I mention it merely to show the contemptible nature of this conspiracy, which hoped to have set the entire country in a flame, when it was joined by *nineteen counties* from North to South, catching the electrical spark of revolution, they engaged in the conspiracy. The General with his Lieut. General, putting himself at the head of the forces, collecting not merely from the city, but from the neighbouring counties and when all the strength is collected, voluntary and forced, they are stopped in their progress, in the first glow of their valour, by the honest voice of a single peace officer, at which the Provincial forces, disconcerted and alarmed, but ran like hares when one hundred soldiers appeared against them.

Gentlemen, why do I state these facts? Is it to show that the Government need not be vigilant, or that our gallant countrymen should relax in their exertion? By no means; but to induce the miserable victims who have been misled by those phantoms of revolutionary delusion, to show them that they ought to lose no time in abandoning a cause

which cannot protect itself, and exposes them to destruction and to adhere to the peaceful and secure habits of honest industry. If they knew it, they have no reason to repine at their lot. Providence is not so unkind to them in casting them in that humble walk in which they are placed. Let them obey the law and cultivate religion and worship their God in their own way.

They may prosecute their labour in peace and tranquillity—they need not envy the higher ranks of life, but may look with pity upon that vicious despot who watches with the sleepless eye of disquieting ambition and sits a wretched usurper trembling upon the throne of the *Bourbons*. But I do not wish to awaken any remorse, except such as may be salutary to himself and the country, in the mind of the Prisoner. But when he reflects that he has stooped from the honourable situation in which his birth, talents and his education placed him, to debauch the minds of the lower orders of ignorant men with the phantoms of liberty and equality, he must feel that it was an unworthy use of his talents—he should feel remorse for the consequences which ensued, grievous to humanity and virtue and should endeavour to make all the atonement he can, by employing the little time which remains for him, in endeavouring to undeceive them.

Liberty and equality are dangerous names to make use of. If properly understood, they mean enjoyment of personal freedom under the equal protection of the laws—and a genuine love of liberty inculcates an affection for our friends, our King and Country—a reverence for their lives, and anxiety for their safety—a feeling which advances from private to public life, until it expands and swells into the more dignified name of philanthropy and philosophy. But in the cant of modern philosophy, these affections which form the ennobling distinctions of man's nature are all thrown aside; all the vices of his character are made the instrument of moral good—an abstract quantity of vice may produce a certain quantity of moral good. To a man whose principles are thus poisoned and his judgment perverted, the most flagitious crimes lose their names—robbery and murder become *moral good*. He is taught not to startle at putting to death a fellow creature, if it be represented as a mode of contributing to the good of all. In pursuit of those phantoms and chimeras of the brain, they abolish feelings and instincts, which God and nature have planted in our hearts for the good of human kind. Thus by the printed plan for the establishment of liberty and a free republic, murder is prohibited and proscribed; and yet you heard how this caution against excesses was followed up by the recital of every grievance that ever existed, and which could excite every bad feeling of the heart, the most vengeful cruelty and insaciate thirst of blood.

Gentlemen, I am anxious to suppose that the mind of the Prisoner recoiled at the scenes of murder which he witnessed—and I mention one circumstance with satisfaction—it appears he saved the life of *Farrell*, and may the recollection of that one good action—cheer him in his last moments. But though he may not have planned individual murders, that is no excuse to justify his embarking in treason—which must be followed by every species of crimes.

It is supported by the rabble of the country—while the rank, the wealth and the power of the country is opposed to it. Let loose the rabble of the country from the salutary restraints of the law, and who can take upon him to limit their barbarities. Who can say he will disturb the peace of the world and rule it when wildest? Let loose the winds of heaven and what power less than omnipotent can control them? —So it is with the rabble—let them loose and who can restrain them?

What claim then can the Prisoner have upon the compassion of a jury, because in the general destruction, which his schemes necessarily produce, he did not meditate individual murder?

In the short space of a quarter of an hour what a scene of blood and horror was exhibited. I trust that the blood which has been shed in the streets of Dublin upon that night, and since upon the scaffold, and which may hereafter be shed will not be visited again upon the head of the Prisoner.

It is not for me to say what are the limits of the mercy of God—what a sincere

repentance of these crimes may effect. But I do say, that if this unfortunate young gentleman retains any of the seeds of humanity in his heart, or possesses any of the qualities which a virtuous education in a liberal seminary must have planted in his bosom, he will make an atonement to his God and his Country, by employing whatever time remains to him in warning his deluded countrymen from persevering in their schemes. Much blood has been shed, and he perhaps would have been immolated by his followers, if he had succeeded. They are a blood-thirsty crew, incapable of listening to the voice of reason, and equally incapable of obtaining rational freedom, if it were wanting in this country, as they are of enjoying it. They embrue their hands in the most sacred blood of the country, and yet they call upon God to prosper their cause, as if it were just. But as it is atrocious, wicked and abominable, I must devoutly invoke that God to confound and overwhelm it.*

LINES WRITTEN AFTER THE TRIAL OF ROBERT EMMET.

BY DR. DRENNAN.†

Prostrate, unarmed, no more alive,
Had ceased Kilwarden's breath,
The savage strife was then to give
A death wound after death.

When Emmet, self-convicted stood,
In fate already hung,
Longed to taste the blood
And piked him with his tongue.

Now, which of these barbarians say,
Waged the most bloody war,
The savage of the bloody fray,
Or savage of the Bar?

ELEGY ON THE DEATH OF ROBERT EMMET‡

"Si qua fata aspera rumpas
Tu, Marcellus, eris".

Ierne, ocean's fairest daughter, rise
Awake from torpid thraldom, ope thine eyes;
In manly copious streams indulge thy tears,
Now burst the galling yoke; nor stoop to fears,
Attune thy native harp, too long unstrung,
Nor speak thy woes with British tongue;
But pure Patrician, patriot sounds employ
As erst did Erin's classic sons enjoy
When Morven's sorrows were by Ossian sung,
Nor dwelt such accents on M'Pherson's§ tongue;
Revive thy silenc'd language nor profane
The dirge of sorrow with exotic strain,

*Dr. Madden's criticism is as follows:—"Thus terminated Mr. Plunket's superfluous speech, with superfluous imprecation", and the writer would add—under a false pretence as to piety and with an absence of all Christian charity. It would be difficult to show a better example than Mr. Plunket gave of the false spirit of a Pharisee. Mr. Plunket's speech exceeded in length that of the Attorney General, and under the supervision given at the Castle before any document could be printed it was greatly curtailed, as shown by the dotted lines in the official issue at the end of different paragraphs, in the original report of the trial by Ridgeway.

†Literary Remains of the United Irishmen of 1798," by R. R. Madden, Dublin, 1887 (Heretofore unpublished).

‡Literary Remains, p. 223.

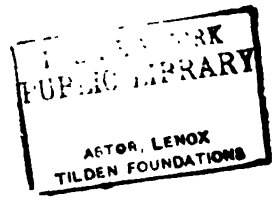
§"The translator and reputed author of the poems of Ossian, the original of which is now known to be of Irish composition."

Primæval chaos sink that ruthless land,
And scorpion venom wring its gothic hand,
That drew its darksome veil o'er Gaelic lore
And pour'd Britannic Omars* on our shore!
Behold Hibernia, freedom's victim son,
Whom power debauch'd not, nor foul faction won,
E———t Hyperion essence of the sky
Thus form'd creative nature's pow'r to try!
Thine hero immolated? rudely torn,
By felon hands, thro' which ten thousand mourn!
Thou P———, second Judas! oh forbear,
To draw from mem'ry's eye the gushing tear!
Unbidden base accuser, could'st thou lend
Thy purchas'd voice to sacrifice a friend!
How oft the youth thine indigence he fed?
But serpent venom fill'd thy foster'd head;
So parasitic hungry plants enclasp
The tendril stems and kill them in the grasp!
Lo, patriot E——— to the axe consign'd,
A heav'n of comfort beaming on his mind!
The axe's stroke no terror can convey,
He shrinks at nought but what foul fame would say,
His soul unconscious of a guilty thought,
Smiles at his doom which self-sold Erin wrought!
He pleads the right of truth with force divine,
As pure in motive so in act benign!
The madding lord to reason's test he calls,
The vassal lordling reason's convict falls;
This convict feels the culprit-angel's death!
(Hell's worst sulphureous steam arrest that breath)
To Satan erst in Pandemonium sign'd,
The death of virtue and of human kind!
Life's benefactor to the scaffold doom'd!
His country's freedom with his corse entomb'd,
Till laurell'd union raise her mighty hand,
Unbind the slave, and fire the civic band;
His mind on heav'n, with dauntless step he trod
The fatal plank, expir'd and met his God;
Pure spotless spirit! that now sit'st on high.
Bend on our isle thy bliss-illumin'd eye;
If parted shades regard this earth below,
Watch o'er the length'ning measure of our woe!
Forgive my zeal which breaks thy last command,
The unrecording silence of the land;
Be this thy Epitaph till other times,
Convey thy deathless name to other climes.

*"Omar, of infamous memory, by whose order the celebrated Alexandrian library was destroyed and therewith fuel supplied to an army of 70,000 men for six months; the abolition of Irish literature by the English, bears a striking resemblance to the conduct of the barbarian."

If power listens to the voice of justice and reforms the law, it is the guilty hand that draws the sword. When it refuses to do this it becomes tyranny. It may compel, but cannot claim obedience; for if the laws which it frames and enforces are unjust, they lack the very principle that render obedience to them a duty.

Rev. Patrick F. Kavanagh.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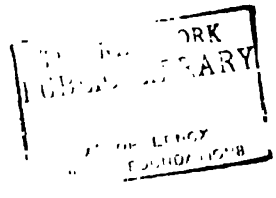
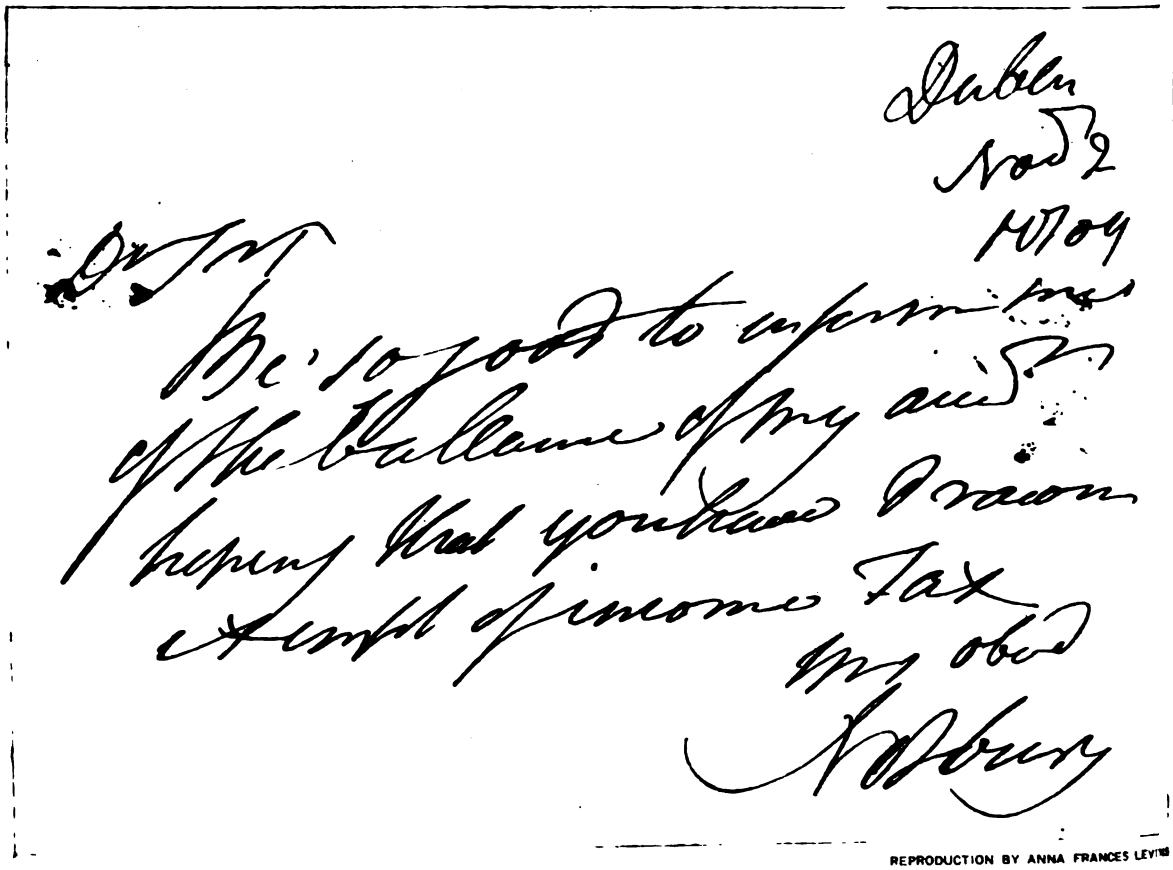


REPRODUCTION BY ANNA FRANCES LEVINS

LORD NORBURY
An original drawing by Petrie, taken during the trial of Robert Emmet



Dublin
Nov 12
1804

Dr Sir
Be so good to excuse me
for the bailiff of my aide
hoping that you have a room
at Trinity for my obed
Norbury

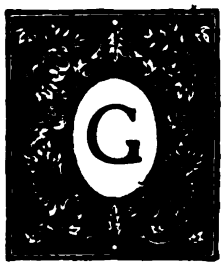
REPRODUCTION BY ANNA FRANCES LEVINS

Armed resistance to authority is the last resort of the oppressed. It is a desperate remedy for a desperate disease, and only to be essayed when all milder ones have failed.
Rev. Patrick F. Kavanagh.

Chapter XX

Lord Norbury's charge to the Jury—Indictment for High Treason, comprehending three several branches of Statute of Edward III—Connects acts of the Prisoner with each branch—Follows legal import of charge by a minute detail of testimony and occasional observations—States law as to evidence given by accomplices—Then reviews conduct of Prisoner before, during, and after rebellion—Concludes with usual admonition as to Juror's duty—Foreman of Jury, after consulting jurors, declares unanimous verdict of guilty—Attorney General prays for judgment—Clerk of Crown calls for Prisoner to be put to the Bar—MacNally asks that motion for judgment be deferred to following day—Attorney General declines—Clerk of Crown then reads indictment and states verdict in form with usual call to Prisoner to say why judgment of death and execution be not pronounced—Robert Emmet then makes an address which hitherto has not been authentically given to the public—Finally judgment of death is pronounced and execution is carried out on the following day.

LORD NORBURY,



ENTLEMEN OF THE JURY,

I shall not delay you longer, than I feel my indispensable duty requires. We have all a very serious duty to perform. I shall not consume a moment of your time by recapitulating any principles of law, for no difficulties exist in the case in that respect. If there had been an opportunity to make a defence in matter of law, there are no more able men for the purpose than those who have been assigned as counsel to the Prisoner; but they have comported themselves with a discretion and a manliness that is deserving of respect.

Gentlemen, it is necessary that you should know what the overt acts are to which the evidence is applicable. The Indictment is for *High Treason*, comprehending three several branches of the statute of Edward the third. First for compassing and imagining the death of the King. Secondly, for adhering to the King's enemies—and thirdly for compassing to levy war. The first overt act in support of these charges, is that the Prisoner did with others meet, consult, conspire and agree to raise, levy and make cruel insurrection, rebellion and war against the King, and to procure great quantities of arms and ammunition, for the purpose of the said rebellion, and to overturn the constitution. The second is, that he did procure great quantities of arms and ammunition and did procure to be made 1,000 pikes, with intent that divers traitors should be armed therewith, and should use the same in and for making and carrying on insurrection, rebellion and war against the King and for committing a cruel slaughter against his subjects. The third is, that he did become one of a society of persons associated under the name of *The Provisional Government*, for the purpose of levying war against the King, and overturning the Con-

stitution, he well knowing the purposes for which that society was formed. The fourth is, that he did compose and write a certain manifesto, purporting to be a proclamation of The Provisional Government, and purporting that they had determined to separate Ireland from England and for that purpose to make war against the King and his troops, with intent that said proclamation should be spread among the people to unite them to war against the King. The fifth is, that he did write that proclamation describing it to be the proclamation of persons unknown associated under the name of the *Provisional Government,* with the same intent as in the former. The sixth is, that he kept and concealed the Proclamation with intent that it should be published and spread amongst the people—and the seventh is, that he did ordain, prepare, levy, and make public war against the King. The same overt acts are stated in support of the second count, and there is one in support of the third, that he did with other persons actually levy war against the King.

Gentlemen, having now disposed of that which is the legal import of the charge, I shall proceed with the evidence.

(*Here his Lordship minutely stated from his notes all the evidence which had been advanced, and accompanied this detail with occasional observations.*)

As has been observed on, if the witness appears to have been an accomplice in the crimes of the Prisoner, it has been long settled law, that an accomplice is a competent witness to be received to give evidence, otherwise many dangerous crimes would go unpunished, and undiscovered. But the Jury are to determine under all the circumstances appearing in the case, what credit he deserves, and where he tells a natural and consistent story. In the present instance the witness appears consistent and is corroborated in many particulars, and he is not contradicted in any.

(*After stating and observing upon the written evidence, his Lordship proceeded.*)

Now, Gentlemen, I have to conclude this duty of addressing you with one or two observations. Probably you have made a clear arrangement of this case in your own minds. But it appears to me, that there are three distinct periods, into which the facts of the case may be divided. First, that which relates to the conduct of the Prisoner before the Rebellion. Second, that which relates to his conduct on the 23rd of July, when the rebellion was raging, and thirdly, that which relates to his conduct afterwards. Then you will consider upon the whole of the facts whether they all correspond and tend to support the general mass of charge, or whether you can form a just conclusion. It remains uncontroverted—that the Prisoner had been abroad lately, and that he returned to this country, and then appeared openly. But it has been proved that in the month of *April,* upon the breaking out of the war, he disguises his name and character, and from that time until he is taken, he never goes by his own genuine name. He lives in a sequestered way, he conceals his name, and assumes that by which he was afterwards known in the *depot*—he lives there for a week before the rebellion broke out, and as to his conduct there, many facts have been proved by the witnesses, who are not contradicted. He has been proved by three witnesses to have acted there as the first in command, and to have had there that uniform in which he appeared at other places subsequent to the rebellion, and which was described to you by the farmer, and of which he spoke to his own friend, Mr. *Palmer,* of *Harold's-cross,* who also proved his lamenting the loss of the depot.

Now, then, as to the third period, what happened after the 23rd of *July?* The Prisoner went to the country dressed in that same uniform. He proceeded to the neighbourhood of *Tallaght,* in company with others in rebel uniforms, *Doyle* identifies the Prisoner in that situation beyond controversy, and Mrs. *Bagnall* strongly corroborates. The Prisoner at the bar, during these periods, passed under different names; he was *Ellis,* he was *Hewitt,* he was *Cunningham,* and at last when made a captive, but not till then, he acknowledged his name to be *Emmet.* He took particular pains to disguise himself at *Harold's-cross,* he refused to have his name put on the door—he endeavoured to escape, was secured by Major *Sirr,* and is now brought to the bar—and I am sure, if I could with just propriety express my concern at seeing such a young gentleman at this

bar, that the accusation against him is well founded, it is well for the community that he is there. It was my duty to condense the evidence into as narrow a compass as I could, and I have been obliged to state the facts which have been proved by the parol and written evidence, accompanying them with observations, which are submitted entirely to you, for you are to determine upon them all—and upon the credit of those who proved them.

Gentlemen, no witnesses have been called for the Prisoner at the bar, and now you have your duty to perform. If you have a rational doubt, such as rational men may entertain upon the evidence, whether the Prisoner was engaged in these transactions you should acquit him; if you believe the evidence, it is direct proof of all the treasons charged against him. But I say, if you have a doubt, you should acquit him. If you do not entertain any doubt, but that you believe the evidence, and the criminal conduct and intentions imputed to the Prisoner, you are bound to decide between the Prisoner and the justice due to your country, and in that case you should find him guilty.

The jury did not retire from the box and after a few minutes deliberation, the foreman addressed the Court:

FOREMAN. My Lord, I have consulted my brother jurors, and we are all of opinion that the Prisoner is *Guilty.*

Mr. ATTORNEY GENERAL. My Lord, it remains for me to pray the judgment of the Court upon the Prisoner.

Clerk of the Crown. Gaoler, put Robert Emmet, Esq., to the bar.

Mr. MACNALLY. My Lords, I hope I am not intruding upon the Court, and that it is not incompatible with my duty, now that the verdict has been pronounced, to state a request of the Prisoner which probably ought to be addressed to the Attorney General, rather than to the Court—it is, that the motion for judgment might not be made until to-morrow.

Mr. ATTORNEY GENERAL. My Lord, I have made the motion and it is impossible for me now to comply with the request.

The *Clerk of the Crown* read the indictment and stated the verdict found in the usual form. He then concluded thus:— "What have you, therefore, now to say, why judgment of death and execution should not be awarded against you according to law?"

Mr. Emmet then replied in terms which have not been preserved. Ridgeway made a report which is printed with the minutes after the agents at Dublin Castle had prepared a version which the Government wished to reach the people, and probably no other political document connected with the history of Ireland was ever more distorted from what Robert Emmet did say. The official version has not, therefore, been reproduced, but the reader will receive a rendering prepared with great care by Dr. Madden and with the aid of a number of persons who heard it as spoken by Robert Emmet himself.

In some of the official versions of the trial, as reported by Ridgeway, the Attorney General is represented as saying:

The Prisoner made a most animated speech, replete with the most eloquent language avowing his being one of the Provisional Government who issued the proclamation; that he gloried in the cause, as he had already exposed his life for it, he would not now shrink from expresing his sentiments although with the halter nearly about his neck; that he trusted the court would allow him to express the sentiment that while he had life he would persist in it, and that death alone would prevent his acting on it. He particularly disclaimed any intention of the Provisional Government selling the country to the French and disavowed that any treaty was entered into with them, save that of receiving a small body of troops, enough in number to operate with the insurgents to overturn the Government, but insufficient to establish a French preponderance.

"The Court heard him", it was claimed, "with a great deal of patience and although indignation was visible in the countenance of every person in Court at the public avowal of his guilt, yet, not a murmur was heard.

"Lord Norbury made a salutary remonstrance to the Prisoner, paying a handsome compliment to some of the respectable members of the family to which he belonged, pronounced the awful sentence of the law in cases of High Treason."*

The Court adjourned.

Dr. Madden has placed on record, to Lord Norbury's credit, although there appears no great evidence in the printed reports of the trial, that:

After an address which was pronounced with emotion never exhibited on any former occasion by his lordship [he] pronounced the dreadful sentence, ordering the Prisoner to be executed on the following day, Tuesday. When the Prisoner was removed from the desk it was about half-past ten o'clock at night.

Phillips, from whose work we have frequently quoted, states in relation to Emmet's speech:

These were the last words which Robert Emmet ever spoke in public; and these words deliberately avowed and justified the conduct for which his life had been pronounced the forfeit. Indeed he does not appear to have been a young man upon whose mind adversity could produce any effect. He was buoyed up by a characteristic enthusiasm; and this tempered as it was by the utmost amenity of manners, rendered him an object of love and admiration even in his prison.

Dr. Madden states:

In the dock he was likewise an object of love and admiration, of sympathy with all, even Lord Norbury. I should have said; with all, perhaps with one exception—that of a man of a cold heart, an ungenerous nature, and ungenial disposition. I have been acquainted with eight persons—all men of high intelligence and education, most of them members of the Established Church; two of them ministers of that Church; the majority of them, too, totally opposed to the politics and principles of Robert Emmet, who were present when he pronounced that memorable speech, and all concur in the opinion that the speaker of it was wonderfully gifted, and that he had made an impression on their minds which nothing ever could efface . . . They were Mr. Buchanan, of New York, (afterwards President of the United States), Dr. Macabe, the Rev. Dr. Hayden, the Rev.

*The following is from "The Press", October 14th, 1797.

ON A CERTAIN MUSICAL PERFORMER [Lord Norbury]

"Tempora mutantur et nos mutamur in illis."

Jack Savage was once a gay good-humoured thing,
Rather shallow, 'tis true, but at all in the ring;
With a shake of the head, and a shake of the hand,
He made way with his brethren—a social band,
Rather fond, it was said, of the duelist's name,
But with *Irishmen* that is no subject of blame;
With a catch, and a glee, and a pun and a song,
He trifled and laughed with the mirth-loving throng,
Fortune's frolic advanc'd him, and quickly behold
This monkey, the claws of the tiger unfold!
When plac'd on the Judge's tribunal was he,
His catch was a halter, and murder his glee,
With a smile the deep groan of affliction he hears,
The sharp burst of distraction accords with his ears,
With some frigid conceit, or some metaphor bold,
He sports, while the victims of death stand appall'd.
But justice ere long may lay hold on his throat,
And again our musician must alter his note.

OLD TOWLER.

These lines were taken directly from the newspaper. They are reproduced on page 111 of "The Beauties of the Press," published in London, 1800, but do not appear in "Extracts from the Press," printed by William Duane in Philadelphia, 1802.

Dr. Macartney, and others whose names I am not at liberty to disclose, and amongst them one whose retentive memory has preserved every striking passage.

Emmet's refusal to make a defence or examine witnesses will be explained by the following from the "Memoir" of Peter Burrowes:

The last member of this gifted family that remains to be noticed was the unfortunate Robert Emmet. He, too, possessed in an eminent degree all the mental and physical qualities necessary to an accomplished speaker. Moulded in nature's happiest combination, he gave an elevating influence to the society in which he moved, his learning, his taste, his talents, his fine sensibilities of heart, constancy in friendship, and firmness in principle gained him the love and esteem of all who knew him. The circumstances of his unfortunate insurrection (if the enterprise deserves a title of so much importance) are notorious. After he was arrested he wrote to Mr. Curran, requesting him to act for him as counsel. Curran was himself suspected by Lord Clare and the Privy Council of favouring revolutionary principles; and the ardour of Emmet's attachment for his daughter lent strength to this opinion—an opinion which his old enemy, Lord Clare, was active in disseminating. Thus delicately situated, he declined to act in his professional capacity. Few were disposed to signalize themselves in the defense of the unhappy man. One, however, was found who accepted the task with alacrity. Emmet applied to Burrowes, whose attentions to his unfortunate client were unceasing, having sought and obtained permission to sleep in the prison with him for the few nights preceding his trial, with the view of preparing his defense. On the trial he rose to address the jury, when Emmet laying his hand on his shoulder, pressed him down, observing as he did so: "Burrowes, let me entreat of you to be seated: I approve your zeal, my friend, but I well know your exertions on my behalf would prove unavailing; my doom is sealed."

Ridgeway reports that when Emmet had brought his speech to a close, Lord Norbury added:

I was in hopes that I might have been able to recall you to a more composed state of mind, suitable to the melancholy situation in which you are placed. I lament that it was vain to attempt it. A different conduct would more become a man who had endeavoured to overthrow the laws and the liberties of his country, and who had vainly and wickedly substituted the bloody proscriptions of the Provisional Government, in the room of the most temperate, mild and impartial justice with which a free country was ever blessed. Had you been tried under the system of your own invention, you would not have been listened to for an instant; but your code would have crushed the inventor. And such has been the well-known fate of most of the leaders of modern republicanism, where such talents and dispositions as yours have been resorted to, that the prostituted pen of every revolutionary raver might be put in requisition to madden the multitude, and to give sovereignty to the mob.

This reads very much like an interpolation of some one at Dublin Castle, and is not at all in keeping with Lord Norbury's character.

Mr. Emmet answered, and these were his last words to the public if he said anything in addition to his speech:

I beg pardon. I wish to mention one circumstance, which is to state expressly, that I did not come from France;—I did not create the conspiracy—I found it when I arrived here;—I was solicited to join it—I took time to consider of it, and I was told expressly, that it was no matter whether I did join it or not—it would go on. I then, finding my principles accord with the measure—did join it, and under the same circumstances would do so again.

We are here met with the statement of Robert Emmet that he did not go to Ireland from France. As he was noted for his truthfulness, and even a prevarication was uncalled for, there remains no known explanation. He certainly left Paris for the purpose of going to Ireland, and we have the testimony of Lawless and others who met him at dinner the night before his departure and used every effort to detain him. He may not have gone directly to Dublin but there was little delay, and as his father was ill, there was some business to transact between them, and he was present at his father's death.

Lord Norbury is reported to have replied to Mr. Emmet's last statement:

The history of your trial, and the circumstances relating to it, are fresh in every man's recollection.

Be assured that I have the most sincere affliction in performing the painful duty which devolves upon me, and let me, with the most anxious concern, exhort you not to depart this life with such sentiments of rooted hostility to your country as those which you have expressed. Be assured that far other sentiments will better contribute to give you comfort at your departure from this life, and to obtain forgiveness and mercy in that which is to come—as well as to give you fortitude to bear that dreadful sentence which at this awful moment I must pronounce.

His Lordship then pronounced the sentence in the usual form, and the prisoner bowed, and retired.

The Prisoner was executed the next day in Thomas Street.*

Counsel for the Crown

Mr. Attorney General—Standish O'Grady
Mr. Solicitor General—James McClelland
Mr. Plunket
Mr. Mayne
Mr. Townsend
Mr. Ridgeway
Mr. O'Grady

Crown Solicitors

T. and W. Kemmis

Counsel for the Prisoner

Mr. Burrowes
Mr. MacNally

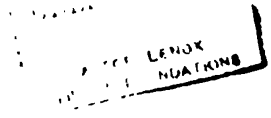
Agent

Mr. L. MacNally

*This took place in front of St. Catherine's Church, and it is said, over the spot where Lord Kilwarden was murdered on the night of the uprising; notwithstanding it was known Robert Emmet was not present, and that he was so impressed on hearing of the occurrence that he immediately ceased all further effort and left the city.

Emmet's epitaph must be written in letters of blood, our martyrs have not died in vain. This land is ours by every right of God and man, and no outside power has any right whatever here. No power on God's earth can prevent us from obtaining our freedom if we only act together and fight together, with courage and determination.

McBride, "Irish Freedom", Dublin, March, 1911.


LENOX
NOATKINS

THE TRIAL AND DYING BEHAVIOUR OF Mr R. Emmett,

Who was Executed September the 20th, for High Treason.—Together with his Solemn Exhortation to his Countrymen to reject the proffered Friendship and Assistance of Despotic, Cruel, and Perfidious FRANCE.

ON Monday September 19, ROBERT EMMETT was put to the bar, at Dublin, on trial for High Treason. The prisoner challenged nineteen peremptorily out of the pannel for a Petit Jury, and six were set aside by the Crown.

The Attorney General took a retrospective view of the public calamities incident to the spirit of insurrection which had hitherto pervaded the minds of the common people of that country.

The prisoner at the bar, if Mr. Attorney was properly instructed, would appear by substantial evidence, together with a variety of corroborating circumstances, to have been the prime source, origin, and spirit of the recent insurrection in this city, so enormously wicked in the conception, but so truly contemptible and puerile both in the plan and execution.

The prisoner in a speech marked by some traits of ingenuity and elocution, justified the conduct imputed to him, on firm and long adopted principles.

The Jury returned a verdict GUILTY, without leaving the box; and Lord Norbury pronounced sentence of DEATH on him.

At ten o'clock this morning, (Sept. 20), a confidential friend of this unfortunate Gentleman was permitted to visit him at Kilmainham gaol. The visitor, a Professional Gentleman of considerable eminence, on his entrance into the culprit's chamber found him reading the Liturgy in the Service of the Church of England in the presence of the Rev. Mr. Gamble, the Ordinary of Newgate; after which he made a hearty breakfast. Retiring afterwards to a room with his friend, after certain family communications, he adverted to the circumstance of having his pockets examined in the dock on the preceding evening, for some instrument with which it was apprehended he might destroy himself. He disclaimed such notion, alledging it was incompatible with the religion he professed.

The culprit was led from Kilmainham gaol under a strong military guard, composed of detachments both of Cavalry and Infantry of the Regular Troops quartered at the Barracks. He arrived about three o'clock at the temporary gallows, in Thomas-street, in a carriage with two clergymen. In his progress thither his demeanour, however, did not appear of that serious call befitting the awfulness of his situation, or the religious sentiments he had uttered in the morning. He gazed about, particularly in Dirty-lane, the scene of his exploits, with a species of light inattentive smile, approaching a laugh, until he was carried to the place of execution, and spoke and nodded to some of his acquaintance with the greatest coolness. After mounting the platform attached to the gallows, he addressed the surrounding crowd in a few words, saying he died in peace and universal love and kindness with all mankind. While the Executioner was adjusting the rope round his neck, he became very pale, and he seemed earnestly to talk and expostulate with him most probably about some awkwardness in his manner, from which he felt an inconvenience. After the hangman had pulled a cap over his eyes, the culprit put up his hands, pinioned as they were, and partly removed it. The platform was dextrously removed. After which he hung for near a minute quite motionless, but violent convulsions then seized him, which lasted for several minutes. The process of beheading, &c. was afterwards gone through, and his body removed to Newgate.

The admirable description which he drew of the French fraternity must powerfully operate on that part of the people of Ireland, who seek, through the agency of the First Consul to disunite these countries.

"I have," said he, "been accused of being actuated by a wish to bring about a revolution of this country, through the means of French influence. I deny that either myself or the Provisional Government, had any such idea in contemplation. Our own resources were sufficient to accomplish the object. As to French interposition, it cannot be too much deprecated: and I exhort the people of Ireland to beware of such assistance. I urge them in the strongest manner to burn their houses—nay even the very grass on which a Frenchman shall land. Various opportunities have occured to me of witnessing the misery and desolation they have produced in every country where they have gained an entrance, under the fallacious pretences of aiding the inhabitants who considered themselves in a state of oppression."

REPRODUCTION BY ANNA FRANCES LEVINS

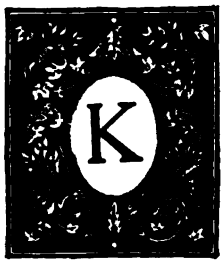
Issued by the Government after the trial and execution of Robert Emmet giving a false statement of his speech in relation to the French

The truculent bloody Saxon! Who has left his trace like a livid welt across our land,—in altars polluted and laid low, pledges made and broken, a long trail of lust and rapine and crimes.

Robert Emmet: My Lords of Strogue.

Chapter XXI

Accounts of Emmet's trial and copies of his speech issued immediately—Also a broadside giving account of execution and advice alleged to have been given Irish people at trial—Supposed to have been issued by Government to produce effect in France—Reproduction of broadside—Great indignation caused in France—News of arrest of Robert Emmet and others carried to France in an open boat—Strong presumptive evidence that Robert Emmet was decoyed back to Ireland to head a movement secretly prepared by British Government—Great doubt as to authenticity of Emmet's speech as given in public reports—Emmet's remarkable faculty of writing in different styles—Text of Emmet's speech from the Dock—Obscurity must always cloud last hours and acts of Robert Emmet.



NOWING England's adroitness in state-craft, no student of her history would be surprised at her course in Ireland after Robert Emmet's trial, whereby she managed to mislead France, as well as the world at large, until she had accomplished her purpose.

Immediately on the termination of the trial, the Government, issued for the public, an official version of the speech made by Robert Emmet before sentence was passed upon him. A broadside also, giving an account of the execution and of the advice alleged to have been uttered by Emmet, at his trial, to the Irish people, was distributed through the streets of Dublin so soon after the execution that, in a period lacking the enterprise of the present day, no other inference can be drawn but that it was printed before the event took place. If this be true it was done for a special purpose, as the British Government wished the Irish people to believe that Robert Emmet, at the last moment regretting his course, had urged all true Irishmen to forcibly resist any interference on the part of France.

If such a broadside as that described above was issued just after the trial, another in the possession of the writer, and which is reproduced, must have emanated from the same source on the following day; and while a somewhat truthful relation of the execution is given, the same purpose for its issue in regard to France is most evident.

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*Leonard M'Nally.

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We have seen in the diary kept by Thos. A. Emmet while in Paris, that the French were very indignant on reading the Government version of Robert Emmet's speech. This publication, as intended, was doubtless in part responsible for the loss of interest on the part of the French Government, and in so much deprived Ireland of her long-promised help.

The news of Robert's arrest and that of other members of the family was brought over, as he states, in an open boat to Mr. Emmet in France.* Shortly afterwards he also received in the same way as full a copy of the official version of his brother's trial and execution as was permitted to be published in the newspapers of Dublin.

The probabilities are that when Robert Emmet was persuaded by the agent of the British Government to return to Ireland, he felt pledged to keep his own counsel. Although in full sympathy and frequently consulted, there exists no evidence that he had belonged to the organization of the United Irishmen previous to his return, as he had been out of Ireland since he resigned from college.

A visit to his parents, before going to America with his brother and relatives, was no doubt the ostensible reason for his visit to Ireland. When Robert Emmet reached Dublin he found, as he stated, a movement already organized and "the business ripe for execution." How much of this was prepared for his benefit by the agents of the Government has yet to be discovered; but it is likely that the work of organization accomplished by the United Irishmen was a different movement, and of its existence at that time the English Government had probably but little knowledge. But the fact was doubtless known to the Government, as it was an open secret in Paris, that the French were preparing and were anxious to aid the Irish in gaining their absolute independence. To counteract this friendly feeling the British Government seized the opportunity of misrepresenting Robert Emmet's speech, thereby to destroy, if possible, all this interest on the part of the French Government

A great effort was made by the friends of Robert Emmet to obtain immediately after the trial, a correct version of his speech, and a number of these who were present and heard it delivered, reduced their recollection of it to writing shortly afterwards. The writer has in his possession a cotemporary

*The diary of T. A. Emmet shows that this statement was not strictly correct, as only part of the journey was made in an open boat. The communication from Robert to his brother had necessarily to be an oral one. It was delivered by Miles Byrne and was written out as a report for Napoleon by Mr. Emmet and Dr. Macneven within a few hours after his arrival. Afterwards Byrne wrote in detail an account for Mr. Emmet; this in after years became the foundation for Byrne's "Memoirs", and consequently his account of Robert Emmet's movement has been here reprinted in full.

copy, which Dr. Madden himself regarded as the first draft of the speech made by Robert Emmet himself. It is doubtless a copy of the speech written down from memory immediately after the trial, probably by some schoolmate who had been taught by the same writing-master, as the resemblance to some of Robert Emmet's handwriting is remarkable. By comparing several of these copies and the official report which was taken at the time for the Government, and which is reliable when divested of the special political interpolation, Dr. Madden believed that it was impossible to obtain a more accurate version. But not satisfied with the above comparison, Dr. Madden availed himself of the testimony of a number of persons who were present at the trial and heard the speech delivered. There can be no question but that Robert Emmet has been misrepresented by both friend and foe, for the form popularly known as his speech contains much that he never uttered. Appreciating Dr. Madden's careful work and the credit due to him for his efforts, the writer has accepted his judgment on what must doubtless be received in the future as Robert Emmet's authentic declaration, when called upon by Lord Norbury with the words: "What have you, therefore, now to say why judgment of death and execution should not be awarded against you according to law?"

Dr. Madden endorsed on the cover of this manuscript:

> **Original draft of the speech of Robert Emmet, in his own handwriting.**
> **The document thus headed was purchased by me in 1856 from Mr. Henry Marshall, an officer of the British Museum. R. R. M.**

The writer pointed out to Dr. Madden that the speech could not have been written beforehand, owing to the impossibility of foreseeing what the circumstances would be at the moment when it was to be delivered. The trial over, it was well past mid-night before he was removed from Newgate prison to Kilmainham jail. Previous to this hour he could have written nothing and it is known that within the five hours before daylight he did write a letter to Richard Curran, and another to his brother and family, and in addition he had drafted for his brother, a detailed account of his plans and causes of failure. Few individuals, in the most tranquil condition of mind, could have produced a document of this length and character in the time that remained to Emmet before the end.

The writer also called the Doctor's attention to the marks at the beginning and to the right of each line, showing by the indication then in use both in print and manuscript, that the writer was quoting. Dr. Madden had not previously noticed these quotation marks and he was unable to offer any explanation, yet remained to the end convinced that Robert Emmet had written out the manuscript. He was so positive in his convictions, that in the last edition of his work he printed a copy of this rendering as the most authentic version available of Emmet's speech, and did so without reference to the writer of the manuscript.

Robert Emmet had an accomplishment which was probably unique. He was able to make use of two, if not three, distinct forms of handwriting, each

with well marked peculiarities which were never misplaced, and with as little in common as would be seen in the writing of as many individuals unknown to each other. It is only possible to surmise that the art was acquired while living in Paris and as his family had no knowledge of a change from that which they knew as his, it was probably acquired for political purposes.

The Irish police had no difficulty in acquiring an example of what was well known as Robert Emmet's chirography. But as this bore no resemblance to that in which was written the Proclamation found in his possession at his arrest, and to have been issued in the name of the Provisional Government of Ireland, they had no foundation on which they could bring him to trial for treason. The police had no doubt of his guilt, but lacked evidence to prove that his identity was other than that of Robert Ellis. The requisite evidence was secured through the overtures made to Dunn the turnkey, to aid in Emmet's escape. Emmet's first use of what was thought a good opportunity was an attempt to communicate with Miss Curran by a letter entrusted to Dunn's care. Unfortunately the letter was written in the same handwriting as that used in drafting the Proclamation, which gave the Government the needed clue. To save Miss Curran from the publicity, Emmet, with equal thoughtlessness thereupon informed the authorities as to his real name.* The following letter is part of the correspondence which Dr. Madden delivered with the manuscript of the speech and which will explain its history:

BRITISH MUSEUM, FEB. 8th, 1856.

SIR

I have received your note on the 4th inst. in which you wish the Mss. of Robert Emmet to be sent to Dublin for inspection. I do not hesitate to comply with your wish, and therefore forward it to your care, under the conditions proposed in your note.

I am so well satisfied of its genuineness, having had it from the person (Mrs. Mason) as before mentioned (and since dead) who received it from Viscount Dillon, and who had just received it from Curran, who had not long left the prison where Emmett had returned after his trial.

As you possess specimens of his writing you will be able to satisfy yourself whether or not it is genuine.

I believe I have before stated the late Thomas Moore the poet, who was a college companion of Emmett, pronounced it genuine and said that there was no doubt about it, and he has mentioned it in his Journals and correspondence, published by Lord John Russell.

Should you be desirous of possessing the document, the price is £5.5.

Waiting your reply at your convenience—

I remain Sir, Your obed' Servt.

H. MARSHALL.

The other letters are but a repetition of the same hearsay evidence mentioned above, transmitted by tradition through three generations and entirely

*A great general resemblance apart from individual peculiarities existed in the hand-writing of a large proportion of the men in Dublin at this time. This was due to the fact that a large number of the school-masters were Catholics and the teachers of fully eight out of ten of all the boys in the country. These teachers were educated by the different religious orders, who probably used the same forms for copy in each school; at least one characteristic of the resemblance may be accounted for by the circumstance that every pupil was made to form each letter distinctly.

without any legal value beyond the one point of common agreement among all who saw the document, that it had been written by Robert Emmet.

The first point of evidence offered in the foregoing letter is certainly a fallacious one, namely, that Curran had paid a visit to Robert Emmet immediately after his return from his trial, with the inference that Curran, as his lawyer, had received it from Emmet himself. The only possible explanation of this is that by some means Dillon obtained possession of the paper and gave it to Curran, from whom Mrs. Mason received it. But our knowledge of Curran's relation with Robert Emmet, stamps this supposition as improbable. Curran would seem to have been the last man of Emmet's acquaintance to have desired to possess this manuscript. Indeed, so well known were Curran's views that it is remarkable that any one should have had the temerity to make an offer of transfer, unless seeking a pretext for a duel.

In answer to Lord Norbury's question, Mr. Emmet, standing forward in the dock* in front of the bench, said:

My lords, as to why judgment of death and execution should not be passed upon me according to law I have nothing to say; but as to why my character should not be relieved from the imputations and calumnies thrown out against it, I have much to say. I do not imagine that your lordships will give credit to what I am going to utter; I have no hopes that I can anchor my character in the breast of the court, I only wish your lordships may suffer it to float down your memories, until it has found some more hospitable harbour to shelter it from the storms with which it is at present buffeted. Were I to suffer only death after being adjudged guilty, I would bow in silence to the fate which awaits me; but the sentence of the law which delivers over my body to the executioner consigns my character to obloquy. A man in my situation has not only to encounter the difficulties of fortune, but also the difficulties of prejudice. Whilst the man dies his memory lives; and that mine may not forfeit all claims to the respect of my countrymen, I seize upon this opportunity to vindicate myself from some of the charges alledged against me. I am charged with being an emissary of France. It is false—I am no emissary. I did not wish to deliver up my country to a foreign power, and least of all to France. Never did I entertain the remotest idea of establishing French power in Ireland. From the introductory paragraph of the address of the provisional government it is evident that every hazard attending an independent effort was deemed preferable to the more fatal risk of introducing a French Army into this country. Small indeed would be our claim to patriotism and to sense, and palpable our affectation of the love of liberty, if we were to sell our country to a people who are not only slaves themselves, but the unprincipled and abandoned instruments of imposing slavery on others. And, my lords, let me here observe that I am not the head and life's blood of this rebellion. When I came to Ireland I found the business ripe for execution. I was asked to join it. I took time to consider, and after mature deliberation I became one of the provisional government; and there then was, my lords, an agent from the United Irishmen and provisional government of Ireland in Paris, negotiating with the French Government to obtain from them an aid sufficient to accomplish the separation of Ireland from Great Britain;† the preliminary to which assistance had been

*The dock in which the prisoner stood, as shown in the view of the court-room, is the enclosed space just under the clock, with the witness-stand in front, while just beyond was the judge's bench, with a gallery on each side for the jury. The door under the clock opened into a passageway leading to the prison cells under the building.

†This would seem to corroborate the supposition that Robert Emmet thought his brother was acting in Paris for this purpose alone, and consequently that he would not have felt at liberty to inform his brother fully of the communication which he had received in confidence from the secret agent of Castlereagh and Marsden.

a guarantee to Ireland similar to that which Franklin obtained for America. But the intimation that I, or the rest of the provisional government meditated to put our country under the dominion of a power which has been the enemy of freedom in every part of the globe is utterly false and unfounded. Did we entertain any such ideas how could we speak of giving freedom to our own country? How could we assume such an exalted motive? If such an inference is drawn from any part of the proclamation of the provisional government, it calumniates their views, and is not warranted by the fact.

Connection with France was indeed intended, but only as far as mutual interest would sanction or require. Were they to assume any authority inconsistent with the purest independence it would be the signal for their destruction. We sought aid, and we sought it,—as we had assurance we should obtain it,—as auxiliaries in war and allies in peace.

Were the French to come *as invaders or enemies* uninvited by the wishes of the people,* I should oppose them to the utmost of my strength. Yes! my countrymen, I should advise you to meet them upon the beach, with a sword in one hand and a torch in the other. I would meet them with all the destructive fury of war. I would animate my countrymen to immolate them in their boats before they had contaminated the soil of my country. If they succeeded in landing, and if forced to retire before superior discipline, I would dispute every inch of ground, burn every blade of grass, and the last intrenchment of liberty would be my grave. What I could not do myself, if I should fail, I should leave as a last charge to my countrymen to accomplish; because I should feel conscious that life, even more than death, would be unprofitable when a foreign nation held my country in subjection.

Reviewing the conduct of France to other countries, could we expect better towards us? No! Let not then any man attaint my memory by believing that I could have hoped to give freedom to my country by betraying the sacred cause of liberty, and committing it to the power of her most determined foe. Had I done so I had not deserved to live—and dying with such a weight upon my character, I had merited the honest execration of that country which gave me birth, and to which I would give freedom. What has been the conduct of the French towards other countries? They promised them liberty, and when they got them into their power they enslaved them. What has been their conduct toward Switzerland, where it has been stated that I have been? Had the people there been desirous of French assistance and been deceived by that power, I would have sided with the people—I would have stood between them and the French, whose aid they called in, and to the utmost of my ability I would have protected them from every attempt at subjugation. I would in such a case have fought against the French, and in the dignity of freedom I would have expired on the threshold of that country, and they should have entered it only by passing over my lifeless corse. Is it then to be supposed that I would be slow in making the same sacrifices for my native land? Am I, who lived but to be of service to my country, and who would subject myself to the bondage of the grave to give her freedom and independence—am I to be loaded with the foul and grievous calumny of being an emissary of French tyranny and French depotism? My lords, it may be part of the system of angry justice to bow a man's mind by humiliation to meet the ignominy of the scaffold; but worse to me than the scaffold's shame, or the scaffold's terrors would be the imputation of having been the agent of the despotism and ambition of France; and whilst I have breath I will call upon my countrymen not to believe me guilty of so foul a crime against their liberties and against their happiness. I would do with the people of Ireland as I would have done with the people of Switzerland, could I be called upon again to act in their behalf.

*Mr. Emmet only stated what would be his course under a certain contingency, the true meaning of which the British Government entirely subverted in the official version printed in the broadside which has been given.

My object, and that of the rest of the provisional government, was to effect a total separation between Great Britain and Ireland—to make Ireland totally independent of Great Britain, but not to let her become a dependent of France.

[Here he was interrupted by Lord Norbury.]

When my spirit shall have joined those bands of martyred heroes who have shed their blood on the scaffold and in the field in defence of their country, this is my hope, that my memory and name may serve to animate those who survive me.

While the destruction of that government which upholds its dominion by impiety against the Most High, which displays its power over man as over the beasts of the field, which sets man upon his brother, and lifts his hands in religion's name against the throat of his fellows who believe a little more or less than the government standard, which reigns amidst the cries of the orphans and the widows it has made——

[Here Mr. Emmet was interrupted by Lord Norbury. After a few words on the objects, purposes and the final prospects of success, he was again interrupted, when he said:]

What I have spoken was not intended for your lordships, whose situation I commiserate rather than envy; my expressions were for my countrymen. If there be a true Irishman present, let my last words cheer him in the hour of affliction.

[Lord Norbury again interrupted the prisoner.]

I have always understood it to be the duty of a judge, when a prisoner has been convicted, to pronounce the sentence of the law. I have also understood that judges sometimes think it their duty to hear with patience and to speak with humanity,—to exhort the victim of the laws, and to offer with tender benignity his opinions of the motives by which he was actuated in the crime of which he was adjudged guilty. That a judge has thought it his duty so to do I have no doubt; but where is the boasted freedom of your institutions—where is the vaunted impartiality, clemency, and mildness of your courts of justice, if an unfortunate prisoner whom your policy, and *not justice,* is about to deliver into the hands of the executioner, is not suffered to explain his motives sincerely and truly, and to vindicate the principles by which he was actuated?

My lords, worse to me than the scaffold's terrors would be the tame endurance of such foul and unfounded imputations as have been laid against me in this court. You, my lord, are a Judge, I am the supposed culprit. I am a man, you are a man also. By a revolution of power we might change places, though we never could change characters. If I stand at the bar of this court and dare not vindicate my character, *what a farce is your justice!* If I stand at this bar and dare not vindicate my character, *how dare you calumniate it?* Does the sentence of death which your unhallowed policy inflicts on my body condemn my tongue to silence, and my reputation to reproach? Your executioner may abridge the period of my existence, but while I exist I shall not forbear to vindicate my character and motives from your aspersions; and as a man to whom fame is dearer than life, I will make the last use of that life in doing justice to that reputation which is to live after me, and which is the only legacy I can leave to those I honour and love, and for whom I am proud to perish. As men, my lords, we must appear on the great day at one common tribunal, and it will then remain for the Searcher of all hearts to show a collective universe who was engaged in the most virtuous actions or actuated by the purest motives—my country's oppressors or——

[Here he was interrupted and told to listen to the sentence of the law.]

My lords, will a dying man be denied the legal privilege of exculpating himself in the eyes of the community from a reproach thrown upon him during his trial, by charging him with ambition, and attempting to cast away for a paltry consideration the liberties of his country?

Why then insult me, or rather why insult justice, in demanding of me, why sen-

tence of death should not be pronounced against me? I know, my lords, that the form prescribes that you shall put the question, the form also confers a right of answering. This, no doubt, may be dispensed with, and so might the whole ceremony of the trial, *since sentence was pronounced at the Castle before your jury were impanelled.* Your lordships are but the priests of the oracle, and I submit, but I insist on the whole of the forms.

[Here Mr. Emmet paused, and the court desired him to proceed.]

I have been charged with that importance in the efforts to emancipate my country as to be considered the keystone of the combination of Irishmen, or, as it has been expressed, "the life and blood of this conspiracy." You do me honour over much; you have given to the subaltern all the credit of the superior. There are men concerned in this conspiracy, who are not only superior to me, but even to your own conception of yourself, my lord; men, before the splendour of whose genius and virtues I should bow with respectful deference, and who would not deign to call you friend—who would not disgrace themselves by shaking your blood-stained hand.

[Here he was again interrupted by Lord Norbury.]

What, my lord, shall you tell me on my passage to the scaffold—which that tyranny of which you are only the intermediate minister has erected for my death—that I am accountable for all the blood that has and will be shed in this struggle of the oppressed against the oppressor? Shall you tell me this—and must I be so very a slave as not to repel it?

I do not fear to approach the Omnipotent Judge to answer for the conduct of my short life; and am I to stand appalled here before a mere remnant of mortality? Let no man dare, when I am dead, to charge me with dishonour; let no man attaint my memory by believing that I could have engaged in any cause but of my country's liberty and independence.

The proclamation of the provisional government speaks my views—no inferences can be tortured from it to countenance barbarity or debasement. I would not have submitted to a foreign oppression for the same reason that I would have resisted tyranny at home.

[Lord Norbury: Mr. Emmet, you have been called upon to show cause, if any you have, why the judgment of the law should not be enforced against you. Instead of showing anything in point of law why judgment should not pass, you have proceeded in a manner the most unbecoming a person in your situation; you avowed and endeavoured to vindicate principles totally subversive of the government—totally subversive of the tranquillity, well being and happiness of that country which gave you birth—and you have broached treason the most abominable. You, sir, had the honour to be a gentleman by birth, and your father filled a respectable situation under the government. You had an elder brother whom death snatched away and who when living was one of the greatest ornaments of the bar. The laws of his country were the study of his youth, and the study of his mature life was to cultivate and support them. He left you a proud example to follow, and if he had lived he would have given your talents the same virtuous direction as his own, and have taught you to admire and preserve that constitution for the destruction of which you have conspired with the most profligate and abandoned, and associated yourself with hostlers, bakers, butchers, and such persons, whom you invited to council when you erected your provisional government. . . .]

Emmet: If the spirits of the illustrious dead participate in the concerns of those who were dear to them in this transitory scene—dear shade of my venerated father* look down on your suffering son, and see has he for one moment deviated from those

*The history of the portrait here addressed is given elsewhere and is supposed to have been one Mrs. Holmes sent to some friend to take care of, after Casino was closed, as it was feared the government might confiscate all the property of Thos. Addis Emmet, who was then in prison. Casino and its contents had been willed to Mr. Emmet on the death of his father.

moral and patriotic principles which you so early instilled into his youthful mind, and for which he is now to offer up his life.

My lord, you are impatient for the sacrifice. The blood which you seek is not congealed by the artificial terrors which surround your victim; it circulates warmly and unruffled through its channels, and in a little time it will cry to heaven. Be yet patient! I have but a few words more to say—my ministry is now ended. I am going to my cold and silent grave; my lamp of life is nearly extinguished. I have parted with everything that was dear to me in this life for my country's cause, and abandoned another idol I adored in my heart—the object of my affections. My race is run—the grave opens to receive me, and I sink into its bosom. I am ready to die. I have not been allowed to vindicate my character. I have but one request to ask at my departure from this world,—*it is the charity of its silence.* Let no man write my epitaph; for as no man who knows my motives dares now vindicate them,—let not prejudice or ignorance asperse them. Let them rest in obscurity and peace; my memory be left in oblivion, and my tomb remain uninscribed, until other times and other men can do justice to my character. When my country takes her place among the nations of the earth, then and not 'til then, let my epitaph be written—I have done.

A unique broadside of Robert Emmet's speech as printed in the newspapers of the day, has recently been found in Dublin. It is printed on cheap paper, with a rude woodcut five inches in length representing a three-quarter length figure of a man. The only prominent feature is a smirk so evidently appreciative of the honor done, that fortunately no one would accept it as a likeness of Robert Emmet.

At the end of the speech was printed an additional paragraph:

Mr. Emmet was executed on the day following his trial, in Thomas-street, at the head of Bridgeport-street opposite Catherine's Church.

He died as he had lived, with heroic fearlessness and decent fortitude. The amiable though enthusiastic Emmet, however, we hope, has not died in vain. Our rulers must learn from his history, that a people are without confidence in a moral Hydra, never to be deprived of doing mischief. The head of one Rebellion is no sooner lopped off than another is generated. The Hercules who is to annihilate the monster can only be found in that act of wisdom and justice, which is to reconcile the people to their rulers, by making them FREEMEN. The fate of Robert Emmet demands something more than tears; and unprofitable as these may have been we have continued to offer them still to his memory.

This broadside was sold among the people during the time of Emmet's execution.

Dr. Madden was by no means certain that in his version of Emmet's speech he had embodied *all* that Robert Emmet spoke, as he had left out every word concerning which the slightest doubt existed; but in the end he was fully satisfied that every sentence of his version was correct, and had undoubtedly been spoken by Robert Emmet.

It was doubtless part of the plot, arranged before the trial, that Lord Norbury should frequently interrupt Robert Emmet by uncalled-for charges in reference to the French, and by annoying remarks, probably hoping to irritate him and make him lose the thread of his argument, and if possible to prevent him from publicly exposing, as Emmet wished to do, the true condition of the

country and the reasons for the uprising of the people. During these frequent interruptions, and in direct answer to Lord Norbury, Mr. Emmet made several remarks which were excluded by Dr. Madden as not strictly belonging to the speech proper, and because different versions did not agree exactly as to what they were. The official report for the Government did not, from some sense of decency, contain *all* that Lord Norbury said, and no one present at the trial dared at the time publish what they had heard. But all who had been present and whom Dr. Madden questioned, confirmed in a general way the statement that much had been omitted, and they also agreed as to Norbury's uncalled-for abuse and frequent interruptions, with a settled purpose, which had evidently been determined upon beforehand. Yet in consequence of the excitement at the time and the interval which had elapsed since the trial, these witnesses were unable afterwards to supply Dr. Madden with a confirmative account sufficient in detail to supply what had been omitted and forgotten.

The majority of the printed reports, however, agree that when Lord Norbury interrupted and charged Robert Emmet with having entered into the movement for his own advancement and gain he answered, with an outburst of indignation, somewhat as follows:

O! my country! was it personal ambition that influenced me? Had it been the soul of my action, could I not by my education and fortune, by the rank and consideration of my family, have placed myself among the proudest of your oppressors?

Then again he was interrupted and called upon to listen to the sentence, since by his action in causing the rebellion he was "responsible for all the blood which had been or would be shed in the business." He replied:

I do not fear approaching the Omnipotent Judge to answer for the conduct of my past life. But, my lord, were it possible to collect all the blood that you have shed into a common reservoir,—for great indeed must it be,—your lordship might swim therein.

This is not an exaggerated statement. O'Connell, in a noted speech delivered during a trial in 1813, thus stigmatizes Lord Norbury's zeal as a judge:

Why, in one circuit during the administration of the cold-hearted and cruel Camden, there were one hundred individuals tried before *one* judge; of these, ninety-eight were *capitally convicted*, and *ninety-seven hanged!* One escaped, but he was a soldier who murdered a peasant, a thing of a trivial nature. *Ninety-seven victims in one circuit!*

I know their [the Irish people's] strength; I know it from the apprehension of Government; I saw a small portion of it in the late immatured, ill-contrived, ill-conducted and unfortunate insurrection, without heads, arms, ammunition or discipline, shake the Government to its centre.

Miss Emmet, 1799.

Robert Emmet was an orator. He pronounced the greatest oration ever uttered beneath the shadow of the scaffold. In this oration, Lord Byron says, Robert Emmet speaks not to man, but to time and eternity.

Hon. Martin H. Glynn, New York, March 4th, 1914.

Chapter XXII

Extraordinary effect of Emmet's speech and manner of delivery—Remarkable absence of affectation—Authorities impatient for sacrifice—Only by comparing various versions of speech was an approximately correct rendering of it obtained—Gregg, Emmet's jailer, puts him in heavy irons—Government anxious to get him out of the way, fearing rescue or escape—Disappearance of State Papers from Record Office, Dublin Castle—Only insight into Emmet's feelings are letters written by him to J. P. Curran and his son Richard—His farewell letters to his brother and sister-in-law, and to Irish Secretary—Leonard M'Nally's treachery—Trevor's hypocritical sympathy and betrayal of Emmet's confidence in his last moments—History of letter to his brother, which Trevor never forwarded—Parting gift of his seal to a priest he once knew whom he met on the way to the scaffold—Description of Emmet's execution—Government provides against attempts at rescue—The executioner of Robert Emmet—Favorable notice of conduct towards Irish of Scotch soldiers in British army—John Philpot Curran's letter on Robert Emmet's request that Sarah Curran be received by his sister-in-law as a sister—Poem said to have been written by Robert Emmet shortly before his death—Acknowledgement of author to Frank J. Sullivan of San Francisco for communicating it.

R. MADDEN states:

No published report of the speech of Robert Emmet gives any adequate idea of the effect its delivery produced on the minds of his auditors. Emmet pronounced the speech in so loud a voice as to be distinctly heard at the outer doors of the court-house; and yet, though he spoke in a loud tone, there was nothing boisterous in its delivery, or forced or affected in his manner; his accents and cadence of voice, on the contrary, were exquisitely modulated. His action was very remarkable; its greater or lesser vehemence corresponded with the rise and fall of his voice. A venerable judge now on the Irish bench was present at this trial from the commencement to its end. Totally opposed to the principles of Emmet though he was, the impression made on him by that address was such as he can only speak of now, at the expiration of fifty-six years, with tears and mournful expressions of admiration for the talents of "that most remarkable young man", and sorrow for the application of them and for his doom.

The following are the words of the venerable Judge————, in reference to Emmet's action in the delivery of his address:

"Whenever he referred to the charges brought against him by Plunket, he generally used the word 'the honourable gentlemen' said so-and-so; and then enforcing his arguments against his accusers, his hand was stretched forward, and the two forefingers of the right hand were slowly laid on the open palm of the other, and alternately were

ARTOR, LENOX
TILDEN FOUNDATIONS

Dom.k Doyle Deputy Gaoler of Newgate his Account for
Diecting the Several State Prisoners after named pursuant to the
Marquess Directions Communicated to him by the Letter of
Dr Archer?

1803		£	s	d
Sept.r	To Walter Dare his Diet to the 15th Oct.r 39 days at 3 3/3 pr day still living	6	6	9
	To Laurance Bayly's his d.o to d.o d.o days at d.o still d.o	6	6	9
	To John Beggs his d.o to the 16th Sept.r 10 days at d.o	1	12	6
	To Felix Rourke his d.o to the 15th 3 d.o at d.o Inclusive	"	9	9
	To John McKenna's his d.o to the 11th d.o 5 d.o at d.o d.o	"	16	3
	To John Kirk his d.o to d.o d.o d.o d.o d.o	"	16	3
	To Michael Kelly his d.o to the 14th d.o 7 d.o d.o d.o	1	2	9
	To Nicholas Tyrell his d.o to d.o d.o d.o d.o	1	2	9
	To Thos Donnelly his d.o to d.o d.o d.o d.o	1	2	9
	To John Mayes his d.o to 11th d.o 5 d.o d.o d.o	0	16	3
⊕	To Robt Emmett Esq.re one days Diet	"	3	3
	To Henry Howleys Diet to the 17th d.o 11 d.o d.o at d.o	1	15	9
	To John McCartan's d.o to the 18th d.o 12 d.o d.o at d.o	1	19	0
	To Thos Keenan's d.o to the 20th d.o 14 d.o d.o at d.o	2	5	6
	To John Rafells, John Troys, Bernard Coyles, & John Watts Diet, one Week each 28 days, at 3 3/3 pr day	4	11	0
	To Denis Lambert Redmond his d.o to the 6th of Oct.r last 30 days at 3 3/3 pr day	4	7	6
	To one pint Wine ordered him daily by the Surgeons at 1 7/2 pr	2	8	9
	To 3 Quarts of Whey daily 90 Quarts at 4d pr Quart	1	10	0
	To 30 days Diet to the Surgeons Assistant who attended him at 3 3/3 pr day	4	17	6
	To d.o d.o d.o to two Men Fox & Mulloy who attended him Night & day at 3 3/3 pr day each	9	15	0
	To 30 Gallons Malt Liquor each Night for them at 1 2 pr Gall.n	1	15	0
	To Candles at 4d pr Night	"	10	0
	Errors Excepted £	57	1	0
	To Dominick Dayle's Extraordinary Diligence, and Care in watching Redmond at various times of the Night, and the above named Prisoners	11	7	6
		68	8	6

Dom.k Doyle

REPRODUCTION BY ANNA FRANCES LEVINS

Bill rendered the Government for the diet of the state prisoners during September, 1803, showing that of Robt. Emmet on the day of his trial

raised or lowered as he proceeded". He is described as moving about the dock, as he warmed in his address, with rapid but not ungraceful motions; now in front of the railing before the bench, then retiring, as if his body as well as his mind were swelling beyond the measure of their chains. His action was not confined to his hands; he seemed to have acquired a swaying motion of the body when he spoke in public, which was peculiar to him, but there was no affectation in it. It was said of Tone, on his trial, by a bystander, that he never saw any one cast affectation so far behind him. The remark with equal truth might have been applied to Emmet. His trial commenced on the morning of the 19th of September, 1803, and terminated the same evening at half-past ten o'clock, and a few hours were all that were given to him to prepare for eternity. Tuesday, the 20th of September, was fixed for his execution; he had prayed, through his counsel, of the attorney-general not to be brought up for judgment till the Wednesday; his application was refused; the ministers of justice were impatient for the sacrifice; the ministers of mercy and of humanity were abroad, or had resigned their places, or were driven from the Castle, or were drowned in their own tears.

The account of the proceedings on the trial was taken from Ridgeway's Report, but the report in it of Emmet's speech is mutilated; several important passages are omitted. What Ridgeway does report is tolerably correctly given. Counsellor Ridgeway was one of the counsel for the crown; and it is well known that the reports of the trials in 1798, and it is probable that those in 1803, had to be submitted to the Castle functionaries, and subjected to revision before publication. The report of Robert Emmet's speech in the "Hibernian Magazine" of 1803 is more simple and equally correct, as far as it goes; but there are in it likewise many omissions. It was only by submitting the various versions of the speech to the revision of trustworthy persons who were present at the trial, and had a strong recollection of the discourse pronounced by Emmet, and comparing different passages, that a copy could be obtained wherein the omitted matter was supplied, and the additions were struck out, which certainly were not improvements, of Judge Johnstone, Watty Cox, and others. I feel justified in stating that the report of the speech of Robert Emmet which I have laid before my readers is the most correct version that exists of the address delivered by him on that occasion. I have taken no common pains on this subject to ascertain what was said, and what was not said by him.

Poor Emmet, at half-past ten o'clock at night, was removed from the court-house in Green-street to Newgate; there he was heavily ironed by Gregg the gaoler, and placed, it is supposed, by the "Times" correspondent, in one of the condemned cells. The Government appear to have become alarmed lest any attempt should be made at a rescue; there is some reason to think that some project of this kind was in contemplation and that Robert Emmet had been made acquainted with it. Long after midnight, when the few brief hours the prisoner had to live ought to have been sacred from disturbance, an order came from the secretary at the Castle to have the prisoner forthwith conveyed to Kilmainham gaol, a distance of about two miles and a half. And the fears of the Government were made to appear an anxious desire of the secretary to consult the comfort of the condemned man. If this was the case, why did they wait till after midnight to issue their orders?

The prisoner had been kept fasting and standing in the dock all the day. It will be seen, however, by the charge made for the keeping of prisoners in Newgate, that three shillings and sixpence was the cost of Emmet's support on the day of his trial.* This document must also have been one of the State papers which disappeared from the chest at the Record Office, Dublin Castle, and which could not have been stolen unless the entire contents of the chest

*This document is signed by Trevor, the Superintendent or head gaoler of Newgate and Kilmainham prisons, a man whose genius for devising different methods of torture, to increase the misery and suffer-

were tampered with. It would have been easier to remove the chest by direction of some one in authority, as if for the purpose of sending it to another department, than for any official to carry off these special papers which related to Robert Emmet, together with a number of others which could have been purchased with them if the purse of the writer had not been taxed to obtain those of greater interest to him. The probability is that when the chest was removed it was in order that the contents might be destroyed, and that the official entrusted with the matter reserved a few papers which he was able to dispose of to his own advantage.

The letters written by Robert Emmet on the night before his execution to Mr. Curran and to his son Richard, who had been an old schoolmate and college friend, give the only insight we have into his feelings. These letters never reached their destination, but were seized by Major Sirr. On Sirr's death they were found amongst his papers, and are now in the Trinity College Library. They were as follows:

To John P. Curran, Master of the Rolls, in Ireland.

I did not expect you to be my counsel. I nominated you, because not to have done so might have appeared remarkable. Had Mr. ———* been in town I did not even wish to have seen you, but as he was not, I wrote to you to come to me at once. I know that I have done you very severe injury, much greater than I can atone for with my life; that atonement I did offer to make before the Privy Council, by pleading guilty if those docu-

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ing of the unfortunate prisoners entrusted to his care, has been equaled by only one individual within the knowledge of the writer. This distinction belongs to Major Cunningham, who was in charge of the New York Provost Jail and Sugar House prisons during the time the British troops held the city of New York during the Revolution. So long as a page of American history is preserved Cunningham will be remembered, and for the same reason the name of Trevor will not be forgotten in Ireland. This man would torture, scourge and half hang his prisoners apparently for his own amusement and often without provocation. It has been affirmed that he stated his object was simply "to create a healthy dread" on the part of the prisoners "for their master".

This brute, having already exhausted every means of torture known to him, on two occasions strung up Anne Devlin, as did also Major Sirr, apparently to test her power of endurance.

This is a suitable place to treat in full a subject which has been referred to from time to time. At one time there were a number of State prisoners confined in Kilmainham, against whom the Government possessed no evidence, and in consequence of the injustice done by their arrest, the officials responsible dared not release them. These gentlemen were allowed to bear their own expenss, and while they were kept in close confinement, they were sometimes permitted, on paying for the privilege, to meet together for some portion of the day in the prison yard.

Dr. Madden, in his "Life of Robert Emmet", refers to Trevor's treatment of the prisoners and to a memorial drawn up by the State prisoners as follows: "The State Prisoners of Kilmainham Gaol addressed a memorial to the Viceroy, Lord Hardwicke, the 12th August, 1804, complaining of the hardships they suffered, and of the barbarous and tyrannical conduct of the Inspector of Prisons and the Superintendent *in particular* of Kilmainham, Dr. Trevor". This memorial was signed by fourteen of them, amongst others by Messrs. John Patten (the brother of Mrs. Thos. Addis Emmet), Hickson, Tandy, Long and Mason (the cousin of Robert Emmet). The following passage refers to the treatment of Anne Devlin: "His treatment of all, but especially of one unfortunate State Prisoner, a female, is shocking to humanity and exceeds credibility. He drives, through exasperation, the mind to madness, of which instances have already occurred".

In corroboration Dr. Madden refers to the Memoir of St. John Mason's Imprisonment, Dublin, 1807; and he also quotes from the "Appeal to the Public" by James Tandy, page 72, Dublin, 1807, as follows: "Two of the State prisoners were discharged in a state of the most violent delirium; . . . and a third, from the cruelty of incarceration, was for a length of time in a straight waistcoat".

The quotation made from Dr. Madden's work is to show the wreck of the mental faculties generally sustained by the Irish political prisoners, as a consequence of the rigorous treatment to which they are always subjected, a practice not confined to our day. Death has not infrequently resulted, as in Mandeville's case a few years ago, and it is believed that instances of imbecility, or of insanity, have at no time been rare from the beginning to the present time.

*Reference is doubtless here made to Mr. Holmes, who married Robert Emmet's sister, and who Robert supposed was at that time in England. But we have seen that Mr. Holmes unfortunately arrived in Dublin the night of the attempted uprising, and that he was arrested as a suspected person while on his way to his residence. He was imprisoned in Dublin Castle for some time, and when at length he was released he proceeded home, to have the door-bell answered by his wife, who dropped dead in his arms. This I was told by Sir Bernard Burke, but I believe he was misinformed, although I have never been able to ascertain the date on which Mr. Holmes was released, or more than that Mrs. Holmes' death was a very sudden one.

ments* were suppressed. I offered more—I offered, if I was permitted to consult some persons, and if they would consent to an accommodation for saving the lives of others, that I would only require for my part of it the suppression of these documents and that I would abide the event of my trial. This was also rejected, and nothing but individual information (with the exception of names) would be taken. My intention was, not to leave the suppression of these documents to possibility, but to render it unnecessary for any one to plead for me, by pleading guilty to the charge myself.

The circumstances that I am now going to mention I do not state in my own justification. When I first addressed your daughter I expected that in another week my own fate would be decided. I knew that in case of success many others might look on me differently from what they did at that moment, but I speak with sincerity when I say that I never was anxious for situation or distinction myself, and I did not wish to be united to one who was. I spoke to your daughter, neither expecting, nor in fact, under those circumstances, wishing that there should be a return of attachment, but wishing to judge of her dispositions—to know how far they might be not unfavourable or dis-engaged, and to know what foundation I might afterwards have to count on. I received no encouragement whatever. She told me she had no attachment for any person, nor did she seem likely to have any that could make her wish to quit you. I staid away 'till the time had elapsed, when I found that the event, to which I allude, was to be postponed indefinitely. I returned by a kind of infatuation thinking that to myself only was I giving pleasure or pain. I perceived no progress or attachment on her part, nor any thing in her conduct to distinguish me from a common acquaintance. Afterwards I had reason to suppose that discoveries were made, and that I should be obliged to quit the Kingdom immediately. I came to make a renunciation of any approach to friendship that might have been found. On that very day she herself spoke to me to discontinue my visits. I told her that it was my intention, and I mentioned the reason. I then for the first time found, where I was unfortunate, by the manner in which she was affected, that there was a return of affection, and that it was too late to retreat. My own apprehensions, also, I afterwards found, were without cause, and I remained. There has been much culpability on my part in all this, but there has been a great deal of that misfortune which seems uniformly to have accompanied me. That I have written to your daughter since an unfortunate event has taken place was an additional breach of propriety, for which I have suffered well; but I will candidly confess that I not only do not feel it to have been of the same extent, but that I consider it to have been unavoidable after what had passed; for though I will not attempt to justify in the smallest degree my former conduct, yet, when an attachment was once formed between us—and a sincerer one never did exist—I feel that, peculiarly circumstanced as I then was, to have left her uncertain of my situation would neither have weaned her affections nor lessened her anxiety; and looking upon her as one whom, if I lived, I hoped to have had my partner for life, I did hold the removing of her anxiety above every other consideration. I would rather have had the affections of your daughter in the back settlements of America, than the first situation this country could offer without them. I know not whether this will be any extenuation of my offence; I know not whether it will be any extenuation of it to know that if I had that situation in my power at this moment, I would relinquish it to devote my life to her happiness; I know not whether success would have blotted out the recollection of what I have done; but I know that a man with the coldness of death on him need not to be made to feel any other coldness, and that he may be spared any addition to the misery he feels, not for himself, but for those to whom he had left nothing but sorrow."

The original was neither signed nor dated, but there can be no doubt that both this and the one to Richard Curran were written the night before the

*Miss Curran's letters, which were found on his person when he was arrested.

execution. In this connection it is of interest to quote from "Curran and his Contemporaries", in which Charles Phillips states of Robert Emmet:

Of his high honour Mr. Curran had an almost extravagant opinion. Speaking of him to me on the occasion already referred to, he said, bitterly as if he felt himself aggrieved: "I would have believed the word of Emmet as soon as the oath of any man I ever knew."

The following was written to his old school mate Richard Curran, about twelve o'clock:—

MY DEAREST RICHARD:

I find I have but a few hours to live, but if it was the last moment, and that the power of utterance was leaving me, I would thank you from the bottom of my heart for your generous expressions of affection and forgiveness to me. If there was any one in the world in whose breast my death might be supposed not to stifle every spark of resentment, it might be you. I have deeply injured you. I have injured the happiness of a sister that you love, and who was formed to give happiness to every one about her, instead of having her own mind a prey to affliction.

O Richard! I have no excuse to offer, but that I meant the reverse; I intended as much happiness for Sarah as the most ardent love could have given her. I never did tell you how much I idolized her. It was not with a wild or unfounded passion, but it was an attachment increasing every hour, from an admiration of the purity of her mind and respect for her talents. I did dwell in secret upon the prospect of our union. I did hope that success, while it afforded the opportunity of our union, might be a means of confirming an attachment which misfortune had called forth. I did not look to honours for myself—praise I would have asked from the lips of no man; but I would have wished to read in the glow of Sarah's countenance that her husband was respected.

My love, Sarah! it was not thus that I thought to have requited your affection, I did hope to be a prop, round which your affections might have clung, and which would never have been shaken; but a rude blast has snapped it, and they have fallen over a grave.

This is no time for affliction. I have had public motives to sustain my mind, and I have not suffered it to sink; but there have been moments in my imprisonment, when my mind was so sunk by grief on her account, that death would have been a refuge. God bless you my dearest Richard, I am obliged to leave off immediately.

ROBERT EMMET.

Robert Emmet had been engaged during the greater part of the night in writing out for his brother, Thomas Addis Emmet, "The Plan of the Insurrection in Dublin, and the Causes of its Failure". (See Appendix, Note XXI.) After writing to Richard Curran he wrote a farewell to his brother and wife, and his last communication to Wm. Wickham, the Irish Secretary, was finished but a few moments before he set out for his execution:

MY DEAREST TOM AND JANE,

I am just going to do my last duty to my country. It can be done as well on the scaffold as on the field. Do not give way to any weak feelings on my account, but rather encourage proud ones that I have possessed fortitude and tranquillity of mind to the last.

God bless you and the young hopes that are growing up about you. May they be more fortunate than their uncle; but may they preserve as pure and ardent an attachment to their country as he has done. Give the watch to little Robert. He will not prize it the less for having been in the possession of two Roberts before him. I have one dying request to make to you. I was attached to Sarah Curran, the youngest daughter of your friend. I did hope to have had her my companion for life. I did hope that she would not only have constituted my happiness, but that her heart and understanding would have

made her one of Jane's dearest friends. I know that Jane would have loved her on my account, and I feel also that had they been acquainted she must have loved her on her own. No one knew of the attachment till now, nor is it now generally known, therefore do not speak of it to others. She is living with her father and brother, but if these protectors should fall off and that no other should replace them, treat her as my wife and love her as a sister. God Almighty bless you all. Give my love to all my friends.

ROBERT EMMET.

COPY OF A LETTER FROM MR. ROBERT EMMET TO THE RIGHT HON. WM. WICKHAM.

20th September, 1803.

SIR—Had I been permitted to proceed with my vindication, it was my intention not only to have acknowledged the delicacy which I feel with gratitude that I have been personally treated, but also to have done the most public justice to the mildness of the present administration of this country, and at the same time to have acquitted them, as far as rested with me, of any charge of remissness in not having previously detected a conspiracy, which from its closeness I know it was impossible to have done. I confess that I should have preferred this mode if it had been permitted, as it would thereby have enabled me to clear myself from an imputation under which I might in consequence lie, and to have stated why such an administration did not prevent, but under the peculiar situation of this country perhaps rather accelerated my determination to make an effort for the overthrow of a government of which I do not think equally high.

However, as I have been deprived of that opportunity, I think it right now to make an acknowledgment which justice requires of me as a man, and which I do not feel in the least derogatory from my decided principles as an Irishman.

I am, &c.,

(Signed) ROBERT EMMET.

Rt. Hon. W. Wickham,
&c. &c.

Counsellor Leonard M'Nally—the rebels' advocate, the friend of Curran—ministered to poor Robert Emmet the morning of the last day of his existence, and picked the brains of the prisoner, whom he had defended, for Secretary Marsden and his master.

On Tuesday, the 20th of September, the day of the execution of Robert Emmet, he was visited at ten o'clock in the morning, by Mr. Leonard M'Nally, the barrister, who, on entering the room where Emmet had the indulgence of remaining all that morning in the company of the Rev. Dr. Gamble, the ordinary of Newgate, found him reading the litany of the service of the Church of England. Permission was given to him to retire with M'Nally into an adjoining room, and on entering it his first inquiry was after his mother, whose health had been in a declining state, and had wholly broken down under the recent afflictions which had fallen on her. M'Nally hesitating to answer the inquiry, Robert Emmet repeated the question, "How is my mother?" M'Nally, without replying directly, said, "I know, Robert, you would like to see your mother." The answer was, "Oh! what would I not give to see her?" M'Nally, pointing upwards, said, "Then, Robert, you will see her this day!" and then gave him an account of his mother's death, which had taken place several days previously—not the day before, as has been erroneously stated.* Emmet made no reply; he stood motionless and silent for some moments, and said, "It is better so." He was evidently struggling hard with his feelings, and endeavouring to suppress them. He made no further allusion to the subject but by expressing "a confident hope that he and his mother would meet in heaven." The preceding

*By the Register of Burials of St. Peter's Parish, I find that the remains of Mrs. Emmet were interred in the burying-ground of the parish church in Aungier-street, the 11th of September, 1803. Therefore it may be inferred that she had died at least three days previously—say the 8th of September, 1803—twelve days before the date of the execution of Robert Emmet.

particulars, with the exception of the reference to the precise date of the death of Mrs. Emmet, were communicated to me by Emmet's early friend, who was then an inmate of Kilmainham gaol, Mr. Patten. An account of this interview with "the friend who was permitted to visit him the morning of his execution" [the name of M'Nally is not mentioned] was published in the London Chronicle, a ministerial paper, September 24-27, 1803. From the peculiar relation in which M'Nally stood to the government (for according to the Secret Pension Agent's Record at the time, he was acting as the confidential adviser, and, advocate of the state prisoners, picking the brains of his duped clients for his official employers), the account of this interview must evidently have been published with the sanction of government, probably by its immediate direction, with the view of saving the character of Lord Hardwicke's administration.

There is one circumstance which is not referred to in the above-mentioned account in "The London Chronicle", which, perhaps was too indicative of the hopelessness of the attempt, by any degree of suffering or of terror "to bow down the mind of the prisoner to the ignominy of the scaffold". When M'Nally entered the cell with Robert Emmet, where he had slept the preceding night, before referred to on retiring from the chamber. M'Nally observed a scrap of paper on the table on which Emmet had sketched a human head represented as if it had been newly severed from the body.

This is probably true, as the writer has a number of books which belonged to Robert Emmet, the margins of which are covered with heads and grotesque figures. The writer's father had the same peculiarity, and if a pen or pencil was within reach while he was speaking or in thought he would immediately begin to draw on any surface before him.

The letters which Robert Emmet had written during the previous night and morning he gave to Trevor to forward. Dr. Madden states:

He [Trevor] contributed so effectually to deceive poor Emmet as to pass for an unwilling agent of oppression; and when he was leaving the gaol to go to execution, he was folded in the embrace of the Kilmainham inquisitor. The profanation of that person's touch, young Emmet—the purest-minded of human beings—had he known the man, would have shrunk from coming in contact with, as from that of a person labouring under some pestilential malady. But he knew him not; he believed him to have feelings of humanity and honour; and he confided to his care two letters, one of which was addressed to the Chief Secretary, the other to his brother then in Paris. The transmission of the latter, Robert Emmet attached the greatest importance to, as containing the details of his plan and preparations; and furnishing, as he thought, the only means of enabling his brother to judge justly of his attempt. Trevor promised faithfully to transmit it, broke the solemn obligation of his promise to a man at the point of death; he delivered the letter into the hands of Mr. Marsden; and, it is needless to say, T. A. Emmet never received it. But a few years before his death, its contents were conveyed to him through the press. The work of Mr. W. H. Curran, published in 1819, conveyed them to him in the document published in the appendix of the second volume of his work, entitled "The Plan of the Insurrection in Dublin, and the Causes of its Failure.*

That singular document, wanting the concluding page, was discovered at the Castle by a gentleman who held a high legal situation under the Irish government. A friend of that gentleman, no less distinguished for his worth than his talents, pursued his inquiries in London, respecting the missing portion of the document, and the identical missing page was found there, in the Home Office.

Just as Mr. Emmet was leaving the prison, on his way to the scaffold, he passed a priest whom he had known in better days, and seeing the priest's ex-

*A copy of this document will be found in the Appendix Note XXI.

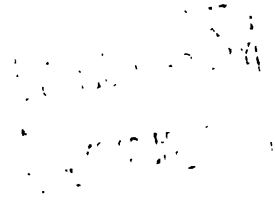
Seal designed by Robert Emmet and given by him to the priest on the way to his execution

Watch seal designed and used by Robert Emmet, given to his brother Thomas, who, at Fort George in 1800 gave it to John Patten

The reverse of Commerford's portrait of Robert Emmet. Backed with green enamel. The monogram, of virgin gold, was designed in 1880 by Thomas Addis Emmet, M.D.

Watch seal designed by Robert Emmet. Motto: Alas, My Country

Watch seal designed by Robert Emmet. Motto: Ubi Libertas Ibi Patrya



pression of profound sympathy, although handcuffed, he pulled the seal from the ribbon fob and handed it to him. Dr. Madden presented this seal to the writer, after it had been in his possession for over fifty years, it having been willed to him on the death of the Catholic clergyman to whom Robert Emmet had presented it. To the writer's great regret the record of the name of this priest, a personal friend of Robert Emmet, has been mislaid and forgotten. As shown by the illustration on the title page, on an onyx is engraved a willow tree nearly prostrated by a storm with the strings of the harp broken, and below the motto—"Alas my country". This design was selected for the title page as a fitting emblem of Ireland's condition, and so judged to be by Robert Emmet. The sides of the seal were originally only the open scroll work shown, but after this portion had been broken several times, Dr. Madden had it strengthened by the backing, a wise precaution, but to the destruction of an artistic feature.

Seal No. 2, representing the body as a harp entwined with shamrock, is exceedingly artistic in its conception. It was both designed and worn by Robert Emmet, who had a number attached to his watch, in accord with the fashion of the day. This seal was presented to his brother Thomas probably when Robert Emmet visited the Continent for the first time. For its preservation, Mr. Emmet gave it to Mr. Patten during his visit to Fort George in 1800, and Patten, in his ninety-seventh year, gave it to his friend Dr. Madden. The history of both of these seals was known to Mr. Patten, and Dr. Madden knew several persons who were standing in the immediate neighborhood when seal No. 1 was given to the clergyman at the entrance to Kilmainham. Dr. Madden also learned from Mr. Patten that both of these seals were made and engraved in Dublin.*

About thirty years ago the late Richd. S. Emmet showed the writer an impression in wax from another seal which he understood was in Mr. Emmet's possession, who was anxious to know its history. The writer has no knowledge of the subsequent history of this seal, but he retained the wax impression. While arranging the other seals for illustration, he was struck by the similarity to the wax impression of the engraved portion of No. 2 as to the size and shape. On comparing the two it was made evident beyond question, that both had been designed by Robert Emmet if either had, and had been made by the same workman. The face of the seal of each as shown by the wax impression, is exactly of the same size and the same shaped border, with beveled corners. The engraved design represents a large harp below the motto "Tuned to Freedom", with a number of shamrocks in the centre, while

*Before the "Union" Dublin was the great book-publishing centre of the world and for the best portion of a century the greater part of the music published in Europe was printed in Dublin. One hundred and fifty years ago a success in Dublin established the reputation of a singer as an interpreter of Italian opera. Dublin's appreciation of Mozart caused him to be reinstated in London, where he had previously been rejected as an absolute failure, and he afterwards published in the Irish capital the greater part of his works.

As illustrations were needed for books, some of the best engravers of the world were in the course of time found in Dublin, and among them the most noted seal engravers, who for many years did the best work for the people of London and Dublin. After the destruction of all the Irish industries by the English Government, the best printers, engravers, glove and hat makers settled in Paris. The French had none of these industries until the famous Irish operators made them, particularly the fine printing, the glove making and all leather products, known as Paris specialties of the present day. The same is true of other specialties.

along the bottom, corresponding to the motto above, was engraved "Erin go bragh". This seal is thus described with the hope that the description may lead to its identification, which, so far as the writer has been able to ascertain, has been lost.

Kilmainham Jail, where after mid-night, Robert Emmet was taken from Newgate, is situated at the extreme west side of Dublin. In front of it, running north and south, was the Island Bridge road, the entrance to the grounds of the Royal Hospital and Kilmainham Lane passing the old jail and running to the east into St. James Street to Thomas Street, where the gallows was erected for Emmet's execution, over the spot where Lord Kilwarden was murdered on the night of the outbreak.

Miss Curran, with a woman friend, waited in a closed carriage in front of the jail at the intersection of the three roads described above, to see the passing of the procession. Ignorant as she was of the route it was to follow, this was the natural spot for her to select.

On leaving the grounds of Kilmainham, the procession turned to the left and passed westward along Island Bridge road toward Phœnix Park, across the Liffey over Sarah Bridge, then turning to the East, passed along Conyngham Road, Park-gate Street and Barrack Street, the three forming a continuous road along the north bank of the river, to Queen's Bridge over into Bridge-foot-street on to Thomas Street, directly opposite Catherine's Church on the south side of the street.

In the issue of "The Hibernian Journal or Chronicle of Liberty", from which the account of the trial was taken, the following was printed in relation to the execution of Robert Emmet:

Yesterday about 3 o'clock Robert Emmet, who had been found guilty of High Treason on the day before, was conveyed under a strong guard from Kilmainham Gaol, in a carriage occupied by the Rev. Mr. Grant and the Rev. Mr. Gamble, in a slow, solemn pace over Sarah's-bridge, and from thence along Barrack-street and over Queens'-bridge to Thomas-street, where a gallows had been erected. On their arrival at the fatal spot, the prisoner remained about twenty minutes in the carriage with the clergymen, who then ascended the platform with a firm composed air— untied his neck-cloth and adjusted the rope about his neck;—after exclaiming in an audible voice:—"I die in peace with all mankind", the fatal signal was given—when he was turned off;—after hanging about thirty minutes his body was cut down, when the executioner performed the remaining part of the sentence of cutting off his head. His remains were afterwards conveyed to Newgate.

Dr. Madden, in his "Memoir of Robert Emmet", states:

There were a few personal friends and two or three college companions of Robert Emmet standing within a few feet of the scaffold at his execution. One of his fellow-students, the Rev. Dr. Hayden, was amongst the number; and from that gentleman I received the information on which I place most reliance, or rather entire reliance, respecting the conduct of his friend at his last moment.

The scaffold was a temporary one, formed by laying boards across a number of empty barrels, that were placed for this purpose nearly in the middle of the street. Through this platform rose two posts, twelve or fifteen feet high, and a transverse beam was placed across them. Underneath this beam, about three feet from the platform, was a single narrow plank, supported on two slight ledges, on which the prisoner was to

Vol. XXIII. THE NUMBER 216.

HIBERNIAN JOURNAL: OR CHRONICLE OF LIBERTY.

Printed and published DAILY, by T. McDONNEL, No. 30, Essex Street; where Orders, Advertisements, &c. are received.

Price Three-pence Halfpenny. WEDNESDAY, SEPTEMBER 21, 1803. [TOTAL FOWR 7983.

PATRIOTIC FUND.

Royal Exchange, Aug. 23, 1803.

AT a Meeting of the Committee for conducting the PATRIOTIC FUND,

JOHN LATOUCHE, Jun. Esq. in the Chair,

It was Resolved, That the Bank of Ireland be requested to appoint one of their Clerks to attend the Treasurer of the Patriotic Fund.

Resolved, That the several Bankers and others authorized to receive Subscriptions on the Patriotic Fund, be requested, once in every week, viz. on every Saturday, to pay into the Bank of Ireland the amount of the several Sums received by them during the week, and to return to the Secretary of the Committee of the amount so paid in.

Resolved, That the Bankers and all others in the Country receiving Subscriptions for the Fund, be requested to remit the Sums weekly to some Correspondent in Dublin, in order that the same may be paid into the Bank of Ireland.

JOHN LATOUCHE, Jun. Chairman.

Letters for the consideration thereof to be addressed to Mr. JOHN HAWKINS, Secretary to the Patriotic Fund Committee, Bowne's Street.

The Sub-Committee for investing the Fund in Government Securities, reported that they had purchased on

		£. s. d.
21 per Cent.	—	1,000 0 0
3 per Cent.	—	6,600 0 0
Amount Subscribed		7,600 0 0

ADDITIONAL SUBSCRIBERS.

	£. s. d.
Rt. Hon. Earl Clonmell, per George and Richard Palmer	500 0 0
Hon. Judge Fitzgerald	1000 0 0
Right Hon. the Attorney General	1000 0 0
Messrs. Barton, Dublin-castle street	50 0 0
Messrs. Barton, Jervis-street	50 0 0
Messrs. Barton, Stephen's-green	50 0 0
Mrs. and Misses Bellingham	10 0 0
[illegible]	500 0 0
[illegible]	50 0 0
[illegible]	100 0 0
[illegible]	100 0 0
[illegible]	500 0 0
[illegible]	50 0 0
[illegible]	200 0 0
[illegible]	500 0 0
Messrs. Cash, Son, and Co.	500 0 0
[illegible]	500 0 0
[illegible]	50 0 0
The Proprietors of the Wine Bottle Machinery	50 0 0
Rev. Dr. Stanford	11 0 0
Sergeant L'Estrange	21 0 0
Mr. and Mistress	5 5 0
Peter Leary	50 0 0
John Fall	50 0 0
Lord Bishop of Raphoe	100 0 0
Rev. Addison Hawkins Whitehall	100 0 0
Rev. John Hamilton	50 0 0
Rev. Thomas Hawkins	50 0 0

GRAND PANORAMA OF LONDON.

THE Public are most respectfully informed that the above Exhibition will finally close on the [illegible] next.

N. B. A Wing [illegible] feet of the above Building is now Open.

JUST ARRIVED,

At the Wholesale and Retail

IRISH STRAW-HAT MANUFACTORY,

No. 13, GREAT SHIP-STREET,

SOME STRAW PLAIT.

AS it has been the determination of the Proprietors to let the Machine Manufactory of Straw Plait for an entire particular season, they have regulated every advantageous rule of recommendation for the accommodation—They warmly appeal to the Public of this city and other towns in Quality as well as Quantity of their Goods in Elegance, Variety, and Cheapness, to that which they have so liberally patronized.

N. B.—Every Hat of the newest Fashion, cheaper than at any other Store in Dublin—Ladies' and Gentlemen's Welch Flannels, 10 of an ell wide, 1s. 6d.

OFFICE DRAB, UNIFORM BUTTONS, and LACE, FOR THE DISTRICT COMMITTEES.

FROM the number of Seals ordered for the Dublin Committees, from Mother RIDDEL, Jeweller, St. Andrew Street, they are considered to express themselves in their Branding, approved by Government and Committees of Defence and in a superior style, for the low price of 15s. 6d. Quarter-ounce Gentlemen, according to the Constitution of the Committees may thank yourself to have them Branded; many will be made with Screw Handles, to be occasionally used under a Wafer Proof.

Mr. Brush, We allow the Brethren-Committee men, that the Uniform Buttons sold at his House are gilt and finished in the best manner.

19th Sept. 1803

BUTTON WAREHOUSE,

No. 58, Fishamble Street.

MR. WALSH respectfully informs his Friends and the Public, that he is constantly supplied with BUTTONS for all the Yeomanry Corps in Dublin, which he will sell on the most reasonable Terms.—The BUTTONS for the DISTRICT COMMITTEES.

N. B. Country Corps supplied on the shortest Notice.

BUTTONS

READY made for all the YEOMANRY CORPS in Dublin, at BENJAMIN WOODBRIDGE'S MANUFACTORY, 13, Lower Ormond-quay and Great Strand Street, near Liffey-street.

N.B. COUNTRY CORPS served on the shortest Notice and most reasonable Terms.

On SUNDAY, the 25th of SEPT. 1803,

(Mass Worked)

A SERMON will be preached, and a collection made in the CHURCH of the UNITED BRETHREN, in ARRAN-QUAY, now in the Occupation of the Moravian Congregation.

N. B. The Collection after the Evening Sermon of both other days, will be applied to the same purpose.

Books to be had at the Church, and at Mr. [illegible] Printer, Parliament Street; Mr. James Jackson [illegible] Mr. [illegible] Grafton-street; Mr. [illegible] Printer, Essex-street; Mr. [illegible] Printer, Capel-street; and Mr. [illegible] Printer, Dame-street.

PARISH OF ST. CATHERINE.

A T a Vestry held for said Parish purchase on the 20th day of [illegible] the Rev. T. Worthington Vicar, in the Chair, Resolved, That the Sum of [illegible] be raised on the following named parts of this parish for [illegible] and where [illegible] were rated by Indictment on the 13th day of [illegible] that the Arrear of Rates so [illegible] be raised on the following Sums, viz. [illegible] Sums to be raised at 4d. to the [illegible]

The Rev. James Worthington [illegible] Chairman, and Mr. Robert Smyth being called [illegible]

Resolved unanimously, That the Thanks of this Parish be given to the Rev. James Worthington, Vicar, for his conduct in calling the present Extraordinary Vestry [illegible] attention to the Interests of this Parish [illegible] every occasion.

Signed by order,

14th Sept. 1803. [illegible], Register.

MONTHLY MEETING

OF THE CHARITABLE SOCIETY for RELIEVING the SICK and INDIGENT POOR of the PARISH of [illegible]

SAMUEL ROBINSON, Esq. in the Chair.

Treasurer's Report of the State of the Funds.

	£. s. d.
Balance in Hand the Quarterly Night	180 10 8
Remittances of Benefactions	25 10 0
Dues Subscriptions	14 18 0
	220 8 8

DISBURSEMENTS.

	£. s. d.
On account of the Sick [illegible]	84 0 0
A Burial Allowance [illegible]	5 0 0
Paid Salary to Sec. and incidental expences,	6 0 0
Postage and Collecting Subscriptions,	1 10 0
	96 7 0

			£. s. d.
Balance in Treasurer's hands,			124 1 8
Sum of [illegible] distributed last month.			
Families.	Persons.		
Barrack Orphans,	32	20	20 12 8
Work-house, do.	23	162	39 17 6
[illegible] do.	23	147	27 6 6
[illegible] do.	22	183	18 17 6
	100	612	96 13 [illegible]

The Collection in aid of this great Institution will be thankfully received, and acknowledged by the Rev. Dr. Sandford, Provost, Trinity College; Rev. Dr. Gamble, College; and Sam. Robinson, Esq. Treasurer, Castle-st.

Signed by Order,

A. TODD, Sec.

MILITARY PUBLICATIONS

Just [illegible] FEBRUARY, Military Sketches, during King's-Inns quays,—and by all the Booksellers.

BY HIS MAJESTY'S COMMAND,

RULES and REGULATIONS, for the Formations, Field Exercise, and Movements of his Majesty's Forces: Part I. Of the Duties of Individuals of the several—Part II. The Platoon or Company—Part III. Addition of the Battalion—to which is added, The Manual and Platoon Exercise, and the Instructions for Sharp-Shooters, and the Instruction of Artillery.—Price 6s. 6d. sewed.

Rules and Regulations for the Formations, Field Exercise, and Movements of his Majesty's Forces—Cavalry, 1s. 6d. sewed.

The Manual and Platoon Exercise—6d.

The Manual and Platoon Exercise elegantly Engraven on Copper-plate, shewing the different Motions—6d. sewed.

Regulations for the Movements of Infantry and Light Infantry, and Instructions for their Conduct in the Field—1s. 6d. sewed.

Drill Directions for the Cavalry—6d.

Directions for the Manual Exercise, Platoon Formations and Movements of the Grenadier Platoon, Octavo, 6s. 6d.

The Sword Exercise, for [illegible] 6d.

The Little Bombardier, or [illegible]

£.20,000

IN the WHOLE or in PART, Shares or TICKETS in SIX LEAN TEN GRAND [illegible] as may suit the Convenience of the Adventurers

AT JACKSON'S

NATIONAL LOTTERY OFFICE,

No. 9½, PARLIAMENT-STREET,

TICKETS and SHARES in the BRITISH LOTTERY, which begins Drawing the 31st of September, are now Selling.

☞ It is at [illegible] Saving Way to buy early, as from the [illegible] Prizes and [illegible] circumstances the price of Tickets will [illegible]

HOUSES AND LAND.

COUNTIES OF TIPPERARY AND GALWAY.

TO BE SOLD, together or in Parcels, and in All of Freehold, pursuant to the several Decrees of the Chancellor of Ireland, dated the 30th day of [illegible] 1803, and the 30th day of [illegible] 1803, and the 30th day of [illegible] 1803, and

SPECIAL COMMISSION.

MONDAY—SEPT. 29.

The Court having resumed its sitting according to adjournment, Lord Norbury and Baron George and Day presiding.

Robert Emmet, Esq. was put to the bar, and the following Jury sworn:

[illegible] Cooke	Wm. Cromelin Gubney
John Dickson	Charles Hart
Robert Turner	Benjamin Holmes
Daniel Kinahan	John Lloyd
Bever Buchanan	Walter Locke
William Dowb	Thomas Bolster.

The Prisoner was indicted for High Treason on the charge of compassing and imagining the deposition and death of the King, levying war and insurrection against the King, and adhering to the King's enemies. The overt acts were described to be the associating with other traitors and rebels for those purposes in Thomas-street, on the 23d July last—collecting arms, ammunition, &c. and composing and writing the proclamation of the Provisional Government, &c. &c.

The case was opened by Mr. *O'Grady*, and

The Right Hon. *Attorney General* stated the case on the part of the Crown with that ability and clearness which distinguishes himself, and that moderation and dignified temper becoming the official advocate of the laws and constitutional justice of his country. The following is a slight sketch of what he said.

My Lords and Gentlemen of the Jury; it is my duty to state the nature of the charge against the Prisoner, at the bar, and I shall do so as concisely as possible, first describing the nature of the charge, and next the nature of the evidence by which that charge will be substantiated. It will be requisite on your part duly to afford the maturest consideration, because the charge against the prisoner is not only the highest crime of which it is possible for a subject to be guilty, but as it receives an additional aggravation from the present state of Europe, and the lamentable consequences of that revolutionary spirit by which it is agitated and infected. At former periods some allowance might have been made for the heated imaginations of enthusiasts—perhaps the love of liberty might have acted even upon sensual understandings, but this more upon inexperienced persons, and induced them to look to revolution as the means of effecting their objects. But sad experience should, in the present day, have instructed every man that Revolution is not the road to liberty or happiness, but, originating in anarchy and blood, ends in the ruin of civil freedom and in the establishment of military despotism. The crime of the Prisoner, therefore, demands the more serious investigation, and is of the blacker die, as under all existing circumstances, admitting of not the smallest extenuation.

The indictment, Gentlemen of the Jury, is founded on an ancient statute, and particularly on three clauses of that statute—the first is that of compassing and imagining the death of the King—the second, adhering to the King's enemies—and the third, levying war against the King.—Of these, the two latter are so intelligible and relevant to the most unlettered minds, that it is unnecessary to observe upon them—but the first admits of technical construction and explanation.—Gentlemen, in the language of the law, compassing the death of the King, does not necessarily imply an immediate attack upon his person, but considering to alter the laws and constitution by force of arms, as inevitably leading to anarchy and public disturbance, must admit of the construction laid in the indictment, as finally endangering the lives of his Majesty and his subjects.—Where a design of this nature is substantiated by overt-acts—when it is declared openly by means adopted and acted upon to carry it into effect, then is the crime completed. The indictment states several overt-acts which, established, against the prisoner, must demonstrate a traitorous imagination of the heart. On this part of the subject, as the Court will doubtless give all the explanation necessary in summing up the evidence, I will not trespass further upon your attention, but I feel it my duty to request your particular attention to two principal points for your investigation—*first*, whether or not there has been a traitorous conspiracy and rebellion for the purpose of altering the Constitution and Government of this country by force of arms—and secondly, whether the prisoner at the bar had any and what participation in that rebellion. I was happy on the opening of this Commission, to have had in my power to state to the public at large that the rebellion however base and atrocious in its actions, was in truth in point of numbers contemptible in the extreme, and put forward by those formerly known for their treasons. I am, Gentlemen of the Jury, now happy to state with more confidence and after more investigation than when I mentioned on the first day of the Commission how turned out to be in every respect the fact—allow me further to congratulate the public on the complete tranquility of the country, and that the dastardly effect of rebellion has only tended to make that tranquility more permanent and all our constitutional enjoyments more secure by asserting the energies of the land.—I will not to rake up your wine in prospective views—I would not indulge in peaceable confidence, but when I consider the vigilance of our Government, the discipline of our army, the spirit of the majority of freemen, and the armed valour and loyalty pervading the land from one end to the other, and ready to rise in a moment to crush domestic treason and foreign hostility, I must not be deemed too sanguine in the confidence that the vigilance of Government and the energy of the people which frustrated the machinations of treason will continue to preserve us free and happy.

Gentlemen, on former occasions the persons brought to the bar have not been of high consideration, but if I am rightly instructed, you for now to the bar of justice, not a man himself seduced by others but to whom rebellion can be traced as the origin and fund of it. If I mistake not, it will appear from the evidence to be adduced, that some time before Christmas last, the prisoner, who had visited foreign countries, had in his Continental tour been in France, from whence he returned full of those mischievous designs which had been so recently acted upon and detested in this metropolis. He came, Gentlemen, from a country, in which he might have learned all the worst consequences of revolution. He therefore embraced his projects with his eyes open, and fully instructed of the consequences to follow; but notwithstanding, Gentlemen of the Jury, he persevered in fomenting a rebellion unexampled for wanton wickedness in any country, ancient or modern. It was a rebellion not for the correction of any existing grievances—not moving out of immediate oppression—not provoked by the mild government of the most gracious of Sovereigns, or that equally mild Administration executing his authority.—No! it was a rebellion avowing to rear its head, not to crush any evil now felt, but the provocations of 600 years are ransacked, and the sufferings of our ancestors exaggerated to force a motion for treason to act upon. However men might affect with some colour of justice, pretexts for rebellion in former ages, there can now be found no rational pretence. Free, attuent, and happy, rebellion can find no motive in our present condition—it must take into the ashes of our ancestry, and they are represented as slaves, that we may not live as freemen. But as there is no motive for rebellion now, neither can it be constituted hereafter—from the manifesto of treason it appears that external war is waged against the British Constitution, and resistance to it the most implacable and determined is avowed. No kindness can soothe the enmity of those rebels—no Administration, however conciliatory and virtuous, can move them from their purposes—there is no counting on their allegiance by any benefits of Government, and rebellence, they will ever continue to. Let the Government be ever so mild and merciful—let the laws be ever so pure, and the administration of them ever so just, no imprecision is to be made on those mad enthusiasts, who are determined to visit their country with the horrors of war, let the Government do what it may. Having fixed the object of rebellion, I will now proceed to state the means which the prisoner at the bar took to effect it.—His proclamation, for Gentlemen I think I am warranted to impute it to him, states the system of treason to have been organized within the last eight months, which, attached to his arrival from abroad being within those eight months, the inference is fair, that he was the source of the rebellion, and its conduct leaves no room for doubt or mistake upon this point. Gentlemen, his machinations were not far advanced to maturity when he found it necessary to change his residence and his name—you find him accordingly in an obscure house belonging to Mrs. Palmer in Harold's cross—this was on the months of Jan. or February in the present year —he assumed the name of HUET, and such a clandestine conduct a matter for your consideration—he continued here until early in March, at which time all must receive his Majesty's Message to both Houses of Parliament, from which an approaching rupture with France was to have been expected—upon the 24th of that same month, the depot since discovered in Marshalsea-lane was discovered—the lease was thereupon, and about the same period various other depots in the city of Dublin were also taken, among others that in Patrick-street, which since exploded—leading his residence at Mrs. Palmer's incompatible with his growing projects, the prisoner again changed his habitation and name, and went to reside at Butterfield-lane, Rathfarnham. It appears that he paid a fine of 61 guineas for the premises, took possession of them on the 25th April, and had the lease executed to him on the 10th June—you will find, Gentlemen, that this transaction was all effected under the name of ROBERT EMMET—he paid the fine and executed the lease under that name, and in any collateral circumstance were necessary to stamp this part of the prisoner's conduct with suspicion, it is furnished by one of the witnesses to that lease, namely, Wm. Dowdall. It is highly probable that on that occasion Dowdall would not have called his own name (and indeed he might have easily changed it for a better) but the attorney who carried out the lease, happening to be a countryman of Dowdall's, and knowing him, he was thus induced fairly to use his real signature. As soon as the lease was executed, Mr. Tyrrell, the attorney, asked Mr. Frayne, who, as executor of Mr. Martin, had let the house to the prisoner, if he knew the persons whom he had dealt with, to which Frayne answered, that he was wholly uninformed about them; Mr. Tyrrell then remarked, that he feared that they were not on a good purpose, and if so, much changed Dowdall was not remarkable for his attachment to the Government, and his visit to Fort George could not have much purified his constitutional principles. Mr. Frayne observed, that there was no appearance of furniture in the house, and but one mat-rush on which the prisoner and his companions slept, as in a camp or engaged in war. He found that the prisoner was visited in a suspicious manner; strangers often for the greatest part of the night, and those circumstances at length induced him to inspect that they were camera. If he had known that they were ordering Constitutions, the principal persons engaged in the rebellion might have been secured in one hour. This prisoner continued in this concern, and under those suspicious circumstances, until the explosion took place in Patrick-street, the 16th July, an event which made it imperious on him to do something quickly or his treasures might be discovered and detected; the prisoner therefore left Butterfield, and took up his residence in the city of Dublin.—I impute to the prisoner, that after the explosion in Patrick-street, he came to town to forward the rebellion, and made the rebel depot his place of abode and rail. Hence him to the depot, as I would any of you. Gentlemen, to your hearts for you will find him author of the family—superintending the formation of pikes, ball cartridges, &c. inspecting arms and ammunition, and occasionally writing at a desk: at one time taking there the manuscript of the Provisional Proclamation and reading it to his rebel companions; at another time taking from the same desk a suit of regimentals, fitting them on—in all things active, and in all his orders obeyed by those about him. It appears, that in this depot there was a mattrass on which the prisoner occasionally slept, if under such circumstances he could sleep; his conscience and mind must have been of more than ordinary temperature if, surrounded by implements of death, and the instruments of civil war and destruction of his fellow-citizens, he could enjoy a soft repose; but if he was at most have been the effect of that wearying perturbation of mind, agitated by that enthusiasm which listens not to reason, but shaping every thing to its own hopes, and believing that probable which is remotely possible, gives to the phantoms of a disordered brain the substance and stability of truth. No man reclining his head on such a pillow could call upon his God to lighten the darkness which involved him, and shield from the perils and dangers of the night—such a mind and its occupied could not take refuge in the consolations of religion, and yet how consoling must that mind be which meditated without remorse to pull his King from his Throne and exserte him in the blood of his subjects. From a paper found in the depot and which I am warranted in imputing to the Prisoner, I am enabled to give you a description of that disordered frame of mind which preceded those actions and accompanied those projects with which it was confluent. (Hon. Mr. Att. Gen. read an extract from a manuscript which was to the following effect) "I have little time to look to the thousand difficulties that lie between me and the completion of my wishes—that those difficulties may disappear I have an ardent and I trust rational hope; but if not I thank that God who has gifted me with so sanguine a disposition.—To that disposition I run from reflection. If my hopes are unfounded and the precipice opens at my feet, duty will not suffer me to run back—I am grateful for that sanguine disposition which urges me on to leap the gulph while my eyes shall be veiled to those visions of fancy which meet them in the air." Here, continued Mr. Att. Gen. we see well described the disposition of a man, who would have seduced five sober people of Ireland and it's unfortunate peasantry to join in treason, and commit their fortunes and happiness to feelings which they were strangers to, and as foreign to their own as any one thing could be to another.—The victims to their arts, no doubt, imagined the Provisional Govt. all wisdom, exertion, and prudence. little knowing what a hoard and of trading it was composed of—destroying the judgment while annihilating the understanding.—To the same unhappy state of mind may be attributed his taunting on the morning of the 23d July, that he would make the Castle tremble that night—from that night we find him in the depot encouraging his instruments to accelerate their work; inspecting ammunition; arming himself, and dressing in regimentals of green cloth, and assuming the rank of General—one of his Lt. Generals was Wm. Dowdall, another Michael Quigley, formerly a brick-layer—of the three after a temporary banishment to Fort George allowed to return to his country, and another (Quigley) wholly banished and retaining to defence of the kingdom—When we glance at the Provisional Government, we find nothing new in talents, property or character; and if the people of Ireland, who look to the salutary and necessary influence of rank, and character, could but take a glance at this precious composition, it would for ever save them of revolutionary projects. I wish to make no description of the prisoner, let him be described by others but he may be allowed to say that from his years, he is not fit to be the key stone of such an arch—we find him, however, the head; another, a man who had formerly acted as Clerk to the Whig Club, and the third a bankrupt and banished mechanic of the lowest order.

Here are the three principal conspirators, and let the people contemplate this vaunting Provisional Government sitting on the same floor of a malt store—the *prisoner* the prime member of this shopworthy authority, the next under him an old brick-layer, and the third a fellow as much without the credit of an occupation as of character—and this Cerulare surrounded by forty or fifty assassins distinguished like themselves only by their crimes. We next see the Prisoner in the transacts of action—the hour arrived—the prisoner put himself at the head of his forces at the depot, not amounting to 100 men, but expecting numerous recruits from the country to join him—we find him marching out formed in band, leading them to Thomas-street—but when we come to look at this mighty army, which the Provisional Government boastingly rates on, we find them not equal in number to the rabble which has since attended the execution of any of the unfortunate victims of their rebellion—the people took time to reflect, so that the General found himself without an army, the Colonels without regiments, and the Captains without Companies—there was every necessary ingredient to rebellion, but men to effect it. The people reasoned, probably, with themselves, and asked the question, shall we enlist without bounty—serve without pay, and risk hanging if we survive? Arguing thus, they found the ranks of his Majesty's army more secure and profitable—there a bounty was to be had for enlisting—pay for service—honourable danger in the field of battle, and the rewards of unfeigned thanks and national gratitude to the brave survivors. The loyal soldier feels not like the rebel, nor like him dreads the issue of the battle—if escaping the sword to meet the halter—on that night, this valiant band, who had determined to dethrone their Sovereign, and massacre his subjects, assembled but to fly—they fled on the first attack at every assault and it would be difficult to say which it was the Generals or their troops led the way. What part the prisoner took on that night, I am not at liberty to state—whether he continued to fight with the rabble, and participate in their execution, or whether he retired to another malthouse, until he could securely receive the keys of the Castle in council—but it is probable, that understanding the result of their boasted effort to accomplish revolution, he and his fellow generals fled.

Here Mr. Attorney General adverting to the depot, and the desk belonging to the prisoner found therein, stated, that among those papers was a letter from his brother, T. A. Emmet, addressed on the cover to Mrs. Emmett, Milhouse, but in truth written to the prisoner—also a long detail to Robert Ellis, Butterfield-lane—also a long treatise on the art of war—a copy of a great part of the Provisional Proclamation, showing it to be an original composition by the insurrectionists, &c. he said it would be foolish to suppose any man would sit down to copy a proclamation when he had above 5000 of them in the depot; there were also found other printed proclamations not produced heretofore, and addressed to the Citizens of Dublin. This proclamation, while affecting to repress all excesses which might be apprehended in the conflict, concludes by calling on the brutal and ferocious rabble to remember their oppressors for 600 years—their massacres—their hearings—their murdered friends, and violated females;—thus transforming a sanguinary mob, though previously meaning to repress their excesses. The papers found in the desk at the depot, Mr. Att. General mentioned to establish the connection which the prisoner had with it.—Every man who hears me, continued Mr. Att. General, must now be anxious to know the fate of the General and his Lieutenant after the night of the 23d of July—the first place to which we shall introduce you to him is at the house of a man named Doyle, residing up in the mountains; thither he went at a late hour one evening in the following week, as a general in full uniform, attended by two others also in uniform, and all affecting to pass as French Generals, simulating, it may be supposed, to insurrection by the hope of succour and.—We find the prisoner speaking broken English, and his Lieutenant General following his example. His party consisting in all of fourteen persons, armed with thirteen blunderbusses and one musquet. —If doubt existed that they did affect the mimicry tion, and were concerned in it, that doubt would be removed by the circumstance of their having left behind them at this house one of the proclamations, addressed to the citizens of Dublin. From thence they proceeded further on to the house of a Mr. Bagnell, and after escorting to town and back to the mountains, we trace the prisoner once more in the same house in which he lodged at Harold's cross, and assuming the same name—we find him abandoning his military hat and regimental coat, and with them the title of General; but retaining the same breeches waistcoat, and Hessian boots. This man, who but for short a time before was to have thrown his Majesty's Castle, we find fabricating to volunteer imprisonment in a back parlour, and lying in a sick-bed. In this situation he remained about a month, and during this time we find him in conversation with the persons who harboured him, and who were his confidential friends, during how he was dressed on the night of the 23d, and lamenting the loss he sustained by the discovery of his depot of arms, &c.—we find him betraying his fears, and planning his escape, on any alarm, there a back window into the fields; all circumstances corroborating other facts to be supported by evidence. After one month's concealment, information was had by Major Sirr, to whose active loyalty and important services, the citizens of Dublin and the State are highly indebted, and he came on the prisoner by surprise. He (Mr. Major) sent a countryman before him, who gave a single rap, and the door being opened he rushed in and found the prisoner and Mrs. Palmer at dinner. He asked him his name, and he replied *Cunningham*, and that he came only that morning to the house. Major Sirr went into the next room and interrogated Mrs. Palmer, who told the prisoner's name was Huet, and that he was a very proper young man. The Major heard a noise in the next room, and found the prisoner endeavouring to escape.—Major Sirr having called a guard, again interrogated Mrs. Palmer, but although thus guarded, the prisoner at a second time attempted to escape, but was overtaken in the garden, and secured by the Major at the peril of his life. The prisoner having received some hurt, Major Sirr apologizing for the necessity of treating him with roughness, to which he replied that "*it was fair in war.*" On his person were found various papers, and one of a very particular nature on a paper before him in his apartment. One of the papers appeared to be written by a brother conspirator, acquainted with his schemes, and participating in his views.—Here Mr. Att. General read a paragraph from the paper to this effect, "I should wish to know how matters stand, if you are not afraid—what hopes you have from abroad, and if the French pay us a visit; if we will not be worth them before." Then it appearing, that the correspondent was not sufficiently advised as not to know that the moment the French should arrive in the country, there would be an end to all law and religion, both of which would be trodden under foot by a merciless and tyrannical despotism; even their confinement appeared such selfishness as would give the French a footing in the country, conclusive that death and destruction accompany their progress and dominion. The paper further stated the opinion of his brother conformity in a desponding strain, "that the people were incapable of redress and unworthy of it, as would appear from their recent barbarous desertion and want of unanimity. As to brothers, he did not believe he would at all take place, but was threatened merely to wear down the British government by the expence of constant preparation."

The Attorney General next read an extract from the paper found on the chair which seemed destined by the composition of the prisoner for the punishment he had drawn down on the wretched creatures he had seduced, and by which he hoped to desse the Government of the country from purchasing the sword of justice it had unsheathed us.—The paragraph ran to this effect, "It may appear strange on the part of its enemy considering the overthrow of the government, to suggest opinions or offer advice, &c. &c.—thus proceeding on additional documents his conspiracy to overthrow the government of his country. The paper among other matter stated as an argument for government to refrain the infliction of justice, that it could not remedy the want of sufficient information of the conspiracy by the severity of punishment, but would furnish additional ground of vengeance to those who were last not ready to explain their conduct—and here Mr. Attorney General fully

thought, that it was but a very common error of mind who dispose rebellion to pervade the country, to embitter against Government, if it does not find any very thing that passes like invasion or magic, and disliked to their gentlemen every thing which it knows, and which the public interest requires should be concealed—and surely a greater proof of the unsubstantial of Government could not be given than the necessity which the three commissioners were under to carry on their plan so secretly in an obscure house in Butterfield-lane, and other collecting their depot of arms, &c. that they could not get instruments to aid them—and that when, under the difficulties affecting the conspiracy through the vigilance of Government, it at length broke out—those difficulties were in the strongest manner proved by the weakness of the attempt, which was extinguished in less than one hour, and by a less force than 100 men. The same paper, continuing its remonstrance, observed, that Government were not able to afford the bottom of the conspiracy which was so impenetrably woven, but that the executioners of the obscure instruments were only cutting a few threads from the end.—On this part the Attorney General expressed his with that those feelings had governed the prisoner at an earlier day, when he was revolving that train of calamities indispensable from civil war—but, unhappily, in one hour this rebellion had deprived the country of more virtue than this Commission could if it lasted for years.

He lamented that the web of rebellion was not firmer cut, but he hoped the commission would not pass over without making fresh answer for their crimes who had seduced others into a participation of them. It was of great public moment that the heads of the infatuation should be alive punished—there would be no conspiracies if there were none to perpetrate them; and if the framers of such destructive plans did not indulge the hope that an infatuated population, would be induced to rish and support schemes of avarice and ambition hatched by others.

Mr. Attorney General concluded a statement of which the foregoing is a very poor and defective outline, by appealing to the legal and constitutional decision of the jury, and recommending him, abstracted from any thing bordering on prejudice, and wholly influenced by the facts in evidence, they would give a verdict agreeable to their consciences. If they should consider the charges substantiated, it would be their duty to convict the prisoner; if not, he would leave that common pleasure which must be felt at the acquittal of an innocent man.

Joseph Reynolds, examined, deposed that he was acquainted with the prisoner—had first him before Christmas last, early in December, and withdrawn from him that he had recently returned from seeing his brother at Dundalk. On his cross-examination he disclosed a fact that ought to interest the friends of this country—he deposed, that the prisoner on his return from Dundalk said that the inhabitants of the Austrian Netherlands resented Bonaparte's Government. Witness believed the prisoner also called the latter imposition.

George Turrell, an attorney, deposed that he had been employed by Mr. Rooney, living at No. 62, St. George's-row, Dublin, to prepare a lease of a concern in Butterfield-lane, to a Mr. Robert Ellis.—He prepared the lease accordingly, and went to the house in Butterfield-lane, to have it executed by the latter, Robert Ellis. Here he identified the prisoner as the person affirming that name. The other witness to the lease was William Dowdall, which person and name was known to the witness [Tyrrell] On going to the house which had been let to the prisoner, he saw Ellis, Dowdall, and another person dining at dinner, and from thence they went to Mr. Fraynes's, who lived in the neighbourhood, and was concerned in letting the house, to have the lease executed.—Dowdall's person was familiar to the witness, both having been drilled, or formerly residing at Mullingar. The lease was executed in June, the day on which it was dated.—On his cross-examination, he said he never saw the prisoner before that day, nor since, by the name of Ellis.

Michael Fraynes deposed, that the man appointed counsel to the will of one Martin, an attorney, but the taking possession was James Rooney, a broth mother, in South Great George's-street. There was a house and land to be disposed of in Butterfield-lane, Rathfarnham, and recollected application having been made on the 21st of April last to take it. He was going down George's street, and dropped in Rooney's, and found a Mr. Robert Ellis there, to whom Rooney introduced him; enquired him with the negotiations about the concerns in Butterfield-lane, and told him Mr. Ellis would be his neighbour. Mr Rooney received 60 guineas fine, and 61 guineas a year for the building.—Witness knew that the prisoner was Ellis, and knew positively that he could not be still there, for there was no such man as Rooney. Witness was dreaded to give the prisoner possession or any portion from him, on receiving what from him a servant of Mr. Ellis's accordingly came with a note, and was put in possession of the house and farm on the 23d of April. The prisoner did not go to Butterfield-lane for a fortnight after; when he went there, witness saw other persons with him. He did not know or recollect any name Dowdall, who was dreadful to his property they kept there for number upland, and he was willing for acquaintance, for the witness did not choose from with them. Prisoner resided about two months there; the ladies were crossed in June, but witness did not see the prisoner for a fortnight before the rebellion. They lived quiet; no noise or disturbance; appeared disquieted, and not to dishonour servants-body. Saw the prisoner, and those with him, go repeatedly back and forward on the road leading to Dublin city. On Sunday when he came with the attorney to have the lease executed, he went into the parlour, where the prisoner and his friends were at dinner; they asked him to sit to the table, but witness was shocked, as he thought the chairs or furniture in the room, and he invited them to his house to execute the lease. He and Mr. Tyrrel remarked, and wondered what kind of people they were; he knew no where the prisoner slept.—Nothing material arose from the cross-examination.

John Fleming, a native of the county Kildare, lived for the last year as boiler at Dillon's, in White Bull, Thomas-street, a public-house; knew Murdaffan-lane—was conversant to Dillon's yard, which opened into it; knew the rebel depot, and was confidentially employed in it to bring ammunition to it, directed thereto by his master; many things were brought through the house to the depot—he knew it as a depot a few days after it was taken from Mr. Colman; was often in it previous to the 23d July, and had free and constant access thereto. The first thing he saw there was the making pike-handles, and after, bending them with iron; he saw other arms there, blunderbusses, pistols, and firelocks; he saw there arms collecting for two or three months before the 23d July; saw them making cartridges, more than he could describe. He knows the prisoner, and identified him; saw him for the first time the Sunday immediately after the explosion of gunpowder in Patrick-street, and in Marshalsea-lane; he met there with Quigley and Palmer, and went into the stores, or rebel depot; Palmer asked the witness for three flasks, to bring ammunition that they got out of Patrick-street; saw the prisoner often after him in the stores, almost every time the witness went into them, which was mostly every day until the 23d July; the whole bellmen was under the prisoner's direction; he superintended the making of pikes, &c. &c. when absent, Quigley sometimes had the direction, but mostly he received orders from the prisoner. He never saw Quigley upon the desk which was in the depot; (the desk was on the table) he heard some "a little Article" read by the prisoner, Mr. Emmet; he did not take much notice of it, but as well as he could recollect it was mentioned, "That the officers, non-commissioned officers, and privates, or any man would assist it by fighting, would have the same reward and laws as in France, and if they would take Ireland or Dublin, they would all have those of what could be had." Witness saw green jackets making by different tailors, one named Colligan; he supposed the jackets were for the officers; saw a green coat with gold lace on the sleeves and skirts, like a Generals, and two gold epaulets on the shoulders; he saw the prisoner taking the coat out of his desk and shewing it; (there he described where the desk stood, and that it was just the same as that then on the table) never saw but the one desk, though he had been all over the stores. He often saw the prisoner take papers out of the desk; saw two men in the stores that appeared soldiers, and heard that they had deserted from the Barracks.

Witness was in the stores on the evening of the 23d July, and saw the prisoner there in his uniform as before described—he had a white waistcoat, white pantaloons, new boots, a sword, cocked hat and white feather, and had a belt on; had a case of pistols; could not distinguish the colour of the cloth, being candle light; when dressed, he asked for a big coat to cover him, till he should join the party who came to take the Castle. Saw two others with laced green uniforms like Quigley and Stafford, but they had only one epaulet each—Quigley had a green Hussar jacket like his, and Stafford a yellow one; Stafford was a lawyer to Jemmy Hope. A good many parties received orders that week. There were about 40 men in the depot, and to the evening of the 23d July, were there about. They got some short pikes, blunderbusses, pistols, &c. and ammunition accordingly. At the door of the depot, the prisoner drew his sword, and calling to all men, called "Come on, boys!" His countenance did the while, and they led the parties from Drury-lane to Thomas-street; this was after nine o'clock; the lamps were lighted; the party headed by the prisoner began to file through the streets.

When the prisoner went first into the stores, he came by the name of Ellis; witness heard them say that they were making preparations to offer the French what they should land. The prisoner was confidential of the head men, and often called a General.—On his cross-examination, he said he did not give information until taken up, on suspicion of having been in the rebellion, but was not promised pardon; knew not whether or not he should be prosecuted, and did not give information from any hopes of benefit.—To a question from the Court he answered, that Quigley was also called Graham.

Terence Colligan, a tailor by trade, recollected the 23d July; on the preceding Sunday he came to town from Leixlip, where he lived, and on coming into Queen-street met with a friend, who brought him to Dillon's, in Thomas-street, where he drank to be intoxicated; knows the last witness, Fleming; afterdrinking drank, he fell asleep, and when he awoke the found himself in a place he had never been before—it was a large out-house full of arms, pikes, and things; some arms were against the wall and some down on the floor—there were numbers of pikes in the stores—witness was for to watch to assist when pistols and guns [arrived.—] saw the prisoner there, who appeared to have the chief command; heard him give orders, and by his directions every thing was done; witness first worked in a little place off of the first loft, where there were muskets, and prisoners who were stationed in the lower floor; saw a desk, and met passe there one; saw Mr. Emmet go to it and take things out; believed he saw him write; believe often times there were blunderbusses, guns, and pistols in the depot; saw two soldiers' muskets, and believed they belonged to two deserters; saw Fleming in the stores; does not recollect the name by which the prisoner was called in the stores; the bustle was next door to the back yard of Dillon's Inn.

Cross-examined, he deposed that he came to town on bullock to get work from Constable Vieres, whom he saw, but did not tell him what had happened; it was after he was taken up that he gave information, but not for any other motive or inducement but the hope of being pardoned to return home and earn bread for his family.

Patrick Farrell swears, recollected the 23d July; lived with Mr. Crosby, of Thomas-street, as servant; on the 22d July was passing through Marshalsea-alley, about nine or ten o'clock in the evening, and heard a noise, in the place where the depot was kept, and, considering it a disturbance, he was surprised and stopped; was met there with sentinels when the door opened, and a sergeant's [illegible] and asked him what he was doing there? he was brought in, and saw about 14 or 15 persons there; he was again asked what brought him there, and if he knew a master and Graham; answered he did not; "He's a spy," [illegible] of them, "and keep him directly;" they brought him to the ground floor, where they secured or confined spare, but at length agreed to wait until some one, not then in the place, should return; a man shortly after came in, who asked the witness did he know Graham—he replied he did not; a light coming in, he was asked if he knew any one there, he said he knew Quigley—he had known him 5 or 6 years before at Maynooth, was a mason or bricklayer; witness understood he was the person called Graham. Witness was kept in the depot from that time until about the same time the next night; the person who came in ordered him to be taken care of and not put to death—he identified the prisoner as that person. He saw the prisoner in the depot in the course of that day several times, and saw things done by his directions. After nine o'clock he was let go to work with the rest of the men; was first employed to bring in boards which came on cars; these he saw made into cases, and pikes put into them; there were many cases made; some were sent out; the cases were formed of the outside plain of the beams, and a part of either end about two inches, having been preserved, they had the appearance of whole beams of timber. Witness saw other arms besides pikes—blunderbusses and pistols. On Saturday, the 23d of July, more pistols came in than on the preceding evening, and muskets countrymen; did not attempt to escape, because he could not get near the door. He saw many boards with twelve-penny nails driven through them, and thinking up; heard them say they were for scooping cartridges, saw many small bowls covered with clay and flour mixed, and filled with gun-powder; saw large bowles in like manner surrounded by clay and bullets, and bound over with canvas; he saw chains there also. Witness was obliged to fill tin tubes with moist powder, and insert the tubes in the bowles. The prisoner had the chief command, but in his absence others directed. There were pieces of timber, about nine or ten feet long, having holes about three inches diameter bored in the top, filled with gun-powder, over which there were laid boards, kept down by paving-stones; he saw three or four of them; he saw green cloth, &c.; saw ball cartridges; he saw three men in the evening dressed in green uniforms; the prisoner wore two gold epaulets, and the other two but one each, but the brass-bobs of all the three coats were tested. Towards evening the people gathered pretty fast to the depot, and about nine or ten o'clock the witness was called down to help to carry one of the large boxes—on which occasion he effected his escape; they were throwing down the pikes out of the left door into the lane as he was going away—and he judged the hour to have been about nine o'Clock, from hearing Lord Mayor's bell ring.

On his cross-examination, he said he saw and knew Quigley very well previous much about his own lives, think complexion and pock-marked; did not recollect having seen Dowdall there; saw every one in the military many went in and who did not appear uniform—there appeared country people, and others otherwise—could not say how many were of the rank of gentlemen. Witness was treated but exceedingly well; dressed them—the food was bread and milk; he got no meat, beer, or whiskey—one bound was half bound, but not the worse. He heard part of a paper read—what engaged his attention was a little—he did not hear any thing said about Emmet, but that they would make it good by themselves. He heard them observe that the Secretary of the paper was very good, but did not hear any one say that it was not sensible. He gave information the same morning, between 10 and 11 o'clock, to his master.

Serjeant Kite identified the Proclamation of the Provisional Government.

Col. *Spencer Freke* was Field Officer on the 23d July, and in the course of his search came to the house in Marshalsea lane, where he found a paper, (the Address to the Citizens of Dublin) which he identified; he remained there about a quarter of an hour, and then left the place in charge of Major Taylor; there was much powder inside there; he saw a desk there took at that on the table.

Alderman Darley was in the depot in Marshalsea-lane, on the morning of the 24th of July, and found there these papers, one addressed to E. Ellis, Butterfield-lane, which he identified.

Henry Hanlon, Esq. was in the depot on the 24th of July; went there for the purpose of taking the arms thereout; he identified a paper which he found there.

Robert Lindsay, a Sailor, deposed that he saw a desk in the house, which he removed into an ordinary room; he knew it as the chair which was over on the table, by a green which he broke off, in bringing it down from the window or door of the loft by a rope; the desk was brought to the Barracks.

Militant Charles Pearson, Quarter Master Sergeant of the 5th regiment, recollected the desk having been brought to the Barracks that day, and given in charge to him by Col. Vesbill; he had it brought on the place called the Magazine, and had other things that came otherwise, put over it; it was locked and which kept the key. He opened the desk on Monday morning, and had much trouble to get at it; he found in it some bail cartridges and a signed Robert Emmet, the subscription to Miss Evans, Williamson, Dublin, but addressed inside, "My dearest Robert"—it had a foreign postmark to it.

Edward Wilkin, Esq. recollected the explosion of gun-powder which took place in Patrick-street, on the morning the 23d July; it took place on the 24th. He went there and found an appearance for making gun-powder, and was certain that it was gunpowder that exploded. He then proved the certificate of a rebellious insurrection as on the former trials, as did also Lieut. *Brady*.

John Doyle swears.—Lives at Ballymanus, in the parish of Tallaght, 6 or 7 miles from Dublin, one face of Old Bawn. Shortly after the insurrection, about two o'clock on the morning of the 26th, having been in bed and heavy with drink, a party of men came in and forced him, but could not immediately even when he did mention, and saw the people about him, he lay under them every they flatted him, into the middle of the bed, and two men lay down, one on each side of him; he heard some of them say, "You have a French Generals and a French Colonel along with you." He lay for some time, and when he found all quite he stole out of bed; he saw a great deal of arms about the room, one for every man; fourteen handcuffed with him, and he identified the prisoner as of the number, and one of those who lay with him and passed as a French General; heard him speak, but such kind of language as he never heard before; they staid until about nine o'clock that evening, when the prisoner put on a gold laced coat of a dark colour, but the witness was more engaged in looking at the gold tassels on epaulets—there were two coats of that description—both had tassels or epaulets on the shoulders—witness saw two of the party walking up and down in the garden, as if watching while the others slept—prisoner wore a cocked hat and white feather—when the party left the witness they proceeded up the hills—he found a paper after them under the table, and gave it to the barony constable, John Robinson—he gave it to him the Thursday following—until then it had never been out of his possession—he identified the paper.

Rob Bagwell—lives in Ballin-a-Scorney, about 8 miles from Dublin, knew Doyle who lives about a mile from her nearer to town.—The Tuesday after the rebellion of the 23d July, about 16 or 17 parties armed came to her house, about 11 or 12 o'clock at night.—Three of them, the thinks, were green clothes, which had something yellow on them—the rest so much frightened did not observe if lace—they were made in a military way—thinks the observed something yellow on the shoulders—four had large cocked hats—they were armed with blunderbusses—one of them was called a General, but the could not swear to the identity of any of them.—They kept one night at her house, and left it the next.

John Rathyin, Barony Constable of Upper Cross—knows John Doyle, and corroborated the part of his testimony connected with him—and also identified the paper which Doyle had given him.

Joseph Palmer, farmer, had been a clerk to Mr. Colville, and resided at his mother's at Hatch's cross.—His mother had other lodgers, besides him—recollected a person to have been a short time since arrested at his mother's house, by Major Sirr—that person lodged there the last Spring, and went by the name of Hunt—he had quitted it about three months before he was taken, and returned about three weeks or a month previous to that period. Hunt was dressed in a brown coat, white waistcoat, white pantaloons, Hessian boots, &c. a black stock.—He received visitors during the last month—they enquired for him by the name of Hunt. A label, expressive of the inhabitants in the house, had been affixed to the door.—It was drawn by the witness—Hunt's name was not mentioned.—It was wholly omitted, and by his desire, because he was afraid Government would take him.—He spoke of the transactions of the 23d of July to the witness, and said he had been in Thomas-street—that he had on him the pantaloons, waistcoat, and boots he wore that night, and that he also wore on that occasion a very handsome uniform coat—did not mention the colour—mentioned something of a military depot, and regretted the loss of the property—he said also that there was such a thing as a proclamation—he told witness that on any alarm he would escape through the back parlour window, and through the fields—witness never saw any writing of his—handed the paper which had been found on the chair be like Emmet; he said he saw it before with Dr. Trevor—he was confident it was not the writing of his mother, sister, or any of the family.—Hunt lodged in the back parlour—witness was in the house when he was arrested—there was no other lodger in the room where Hunt lodged—none else were arrested there. The witness being called upon to identify the prisoner, he turned reluctantly towards him, and the prisoner smiled and nodded his head to him—the witness identified the prisoner.

Here the Provincial Proclamation was read to show the object of the insurrection, and the resolution proscribing the supremacy and other loyal subjects.—The prisoner desired that a part of it should also be read, by which it was decreed that no man should suffer death by court martial, but for mutiny, until the pleasure of the Provisional Government should be known—it was read accordingly. The proclamation addressed to the Citizens of Dublin, was also read. The prisoner's Counsel accounted for the extensive knowledge he had of the Provisional Proclamation, by saying that it had appeared in other publications.

Major M. C. Sirr sworn.—Recollected having received the prisoner at Wexford's house on the 26th August—heard there was a stranger there of a suspicious appearance in a bath garment—he went there about for others in the evening, accompanied by a man, whom he desired to rap at the door, and he on being opened to, rushed into the back parlour, and found there the prisoner, his wife, and his daughter—the other the prisoner his name, who said it was Cunningham—he gave the prisoner in charge of the man who accompanied him, and went into the next room with Mrs. Palmer, who told that the prisoner's name was Hunt—witness went back and asked the prisoner how long he had lodged there, who replied three months—he said that morning—he saw him bloody—learned that he had attempted to escape—wounds upon about Mrs. Palmer knew long the prisoner had lodged there, and she replied about a month—he saw a sword-belt upon on a chair in the room where the prisoner had lodged, and put into his pocket-order further to investigating it—Mrs. Palmer, the widow-lives up Harold's-cross bridge, and husband was a gunner at Athlone in Sir—saw he was making a signal to certain men—he the centre of the guard, he planted a sentry over the prisoner, and himself called about the house and garden—the guard again and again, and made signs and beckonings, and beckoning a man, by me to the back of the house and saw the prisoner running down the garden—he called on the sentry to fire, and at the same time pursued—the prisoner, regardless of the danger which he hazarded from the sentries fire, and got over the garden wall, when he then leaped and told that he surrendered. In the mean time the [illegible] attempted to fire, but the piece merely snapped without discharging. When then he seized the prisoner and found some papers. When the witness re-visited his quarters at the assembly which occurred of treating the prisoner roughly he replied what is all can take as mine." When brought to the Castle, the prisoner addressed him more than once.—The witness identified the papers which he found on the prisoner

…rtion, respited from the overturn, were offered to be read in evidence, but the Court would not admit any to come before it save the original. After objection was made by the prisoner's Counsel to the admissibility of the paper offered in the room being offered as evidence against the prisoner—but the case of Lord Russell, where papers found in the room, and a female in it, was adduced to over rule the objection.

The papers were then read—No. I. (found in the prisoner's lodging by Major Sirr), was nearly as follows:—

"It may from things that o[illegible] seeming himself to be in contrary of the present Government, and engaged in a conspiracy by its overthrow, should undertake to acquit an opinion on its conduct, or excuse about advice which such a conspiracy should be covered with connivance—The power of this, however, does not mean to offer an opinion upon a point in which he feels difficulty—in which his counsel might be doubted his intention is to confine himself to points on which he feels with the merciful, and on an Irishman with the English part of the present Government: He will commemorate in the most peaceful terms the line of conduct which he may be hereafter compelled to adopt—and which, however painful, would be finally just he did not try every lawful in by the most explicit notification. If in but the intention of the undersigned to do more than that what the Government shall adopt whether that of the Conspiracy it proves a thing; not instead of creating terror in the enemies and co-[illegible] in its friends, it will serve by the [illegible] of its information to [illegible] those grounds of conviction to those who are too ready to [illegible] it for the want of that intelligence which no [illegible] could enable it to obtain. If, then, it is possible by a display of determination to evince its strength and vigilance, it cannot hope to crush any conspiracy by the weight of its power. It is only now that men have to learn that exciting into a conspiracy implies them to be hanged [illegible] Con[illegible] It hopes to injure the body of the Conspiracy, to [illegible] with it the prudent, by merely [illegible] off a few of the [illegible] [illegible] Napoleon can [illegible] the contest which the U. I. will adopt [illegible] effecting the emancipation of their country."

No. II. found on the prisoner's person.

"I wish particularly to know how matters stand, if you are not afraid. What hopes are there from abroad, and what they mean to do; and whether if they pay any visit or not it would be of [illegible] [illegible] [illegible] [illegible] life is very distressing, and says the people are insensible of wounds, and unworthy of liberty; this to be confirmed in that by the late [illegible] which must have succeeded but for their [illegible] and want of [illegible] I thinks that the invasion will not take place at all, but that it is the plan to wear down the English by the expence of frequent preparation."

No. III. found in the Desk in Thomas-street.

"I have but little time to look at the shocking difficulties between me and the completion of my wishes; that they will succeed I have ardent and [illegible] rational hopes; but if they should not be the case, I thank God for having gifted me with a [illegible] disposition; so that I free from reflection; and if my hopes are without foundation—if a precipice be opening under my feet from which duty will not suffer me to depart. I am thankful for that subject from which [illegible] me on to it, and burn me down while my eyes are rivited to the visions of happiness which my fancy has formed in the air."

No. IV. was the manuscript of the Proclamation of the Provisional Government, found in the desk in Thomas-street.

Here the case closed on the part of the Crown, and *Mr. M'Nally* having intimated to the Court that the prisoner did not intend calling any witnesses in defence, or on his Counsel to state a case, he conceived that the trial closed on both sides, and remained for the Court and Jury.

Mr. Plunket said it, however, his duty, from the peculiar nature of the case, not to follow the example or waive his right of speaking to evidence—this induced a short conversation, which ended in establishing the right of Mr. Plunket to proceed, which he did accordingly with that strength of legal ability and eloquence for which he is so justly distinguished.

The Jury returned a verdict—Guilty, without leaving the box.

On the Clerk of the Crown reading the indictment to the prisoner and informing him that a jury of his country had found him guilty; and then calling on the usual form why sentence should not be pronounced against him—The prisoner in a most animated speech, replete with the most elegant language, avowed his being one of the Provisional Government who issued the Proclamation, that he gloried in the cause, and that as he already has exposed his life for it, he would not now shrink from expending his sentiments, although with the latter nearly about his neck, that he trusted the Court would allow him to express the sentiments, that while he had life he would persist in, and that death alone should prevent his acting on. He particularly disclaimed any intention of the Provisional Government calling this country to the French, and disavowed that any treaty was entered into with them, save that of receiving a small body of troops, enough in number, in co-operation with the insurgents, to overturn the Government—but sufficient to establish a French preponderancy.

The Court bore him with a great deal of patience, and although indignation was visible in the countenance of every person in Court at this public avowal of his guilt, yet not a murmur was heard.—Lord Norbury after a solemn remonstrance to the prisoner, and paying a handsome compliment to some of the respectable members of the family to which he belongs, pronounced the awful sentence of the law in cases of High Treason.

Court adjourned.

MONDAY, SEPTEMBER 20

Lord Norbury and Baron Day having taken the Bench.

Henry Hawley, the person who shot Henion the Keeper of the Towns, was put to the Bar, and arraigned in the usual form by the Clerk of the Crown, for High Treason—Counsellors Curran and M'Nally, at his request, were assigned to him as Counsel, and *Mr. Lambert M'Nally* as his Agent.

Mr. Attorney General moved the Court, that as [illegible] immediately to the prisoner, [illegible] on Tuesday next; and that the Crown Solicitor should [illegible] the panels from which the jurors were ordered to attend at nine o'clock on that day; after which the Court adjourned until Friday next.

The Hibernian Journal
AND
Daily Commercial & General Advertiser

DUBLIN.

WEDNESDAY, SEPTEMBER 22.

BRUSSELS LACE, LAWN CLOAKS, LACE VEILS, THREAD EDGINGS, &c. &c.

Are now on Sale at the Lace Warehouse,

41. COLLEGE-GREEN.

☞ The above articles are well worth the inspection of Ladies who are inclined to purchase, and will be sold, *at one fifth* from its to 7 per Cent. under the current prices, by the Public's obliged humble servants,

BANE RIDDALL & CO.

Owing to the lateness of the hour when we were furnished with the report of Emmet's Trial we were precluded from giving to-morrow a word else—we have in this day's publication given a full and accurate detail of the Attorney General's statement, and the evidence adduced against the prisoner.

Yesterday about three o'clock, Robert Emmet, who had been found guilty of High Treason the day before, was conveyed under a strong guard from Kilmainham Gaol, in a carriage, accompanied by the Rev. Mr. Grant and the Rev. Mr. Gamble, to a slow solemn pace over Sarah's-bridge, and from thence along Barrack-street, and over the Queen's bridge to Thomas-street, where a gallows had been erected. On their arrival at the fatal spot the prisoner remained about twenty minutes in the carriage with the Clergymen;—he then ascended the platform with a firm composed air, untied his neckcloth, and adjusted the rope about his neck;—after exclaiming, in an audible voice, "I die in peace with all mankind,"—the fatal signal was given, when he was turned off;—after hanging about 30 minutes his body was cut down, when the executioner performed the remaining part of the sentence of cutting off his head.—His remains were afterwards conveyed to Newgate.

The Hesperus Caroline, Christopher Elwell, Master, from Barcelona with wine, &c. entered on Tuesday evening from Guernsey, where she performed quarantine.

The encumbrances under convoy of his Majesty's ship Sea Horse her arrived at Gibraltar from England.

Friday morning, a fourth-class vessel rigged lugger, arrived at the quay at Limerick, under the Majesty's ship Argus; she was fresh off the Heads, and in laden with tobacco and genevra, from [illegible] of Jersey.

On Monday last, there was a very full meeting of Governors, Deputy Governors, and gentlemen, at Cashel, for the purpose of carrying into effect, the "Proposals for rendering the body of the people instrumental to repel an invasion." Stephen Moore, Esq. Governor, was in the chair; the county was divided into four districts. One to consist of the baronies of Iffa and Offa, East and West, over which Lord Cahir was named Lieutenant of Division—Clonwilliam, Middlethird, and Kilnemanagh, under the Lieutenancy of Lord Mathew—Eliogarty, Ikerrin, and Slievardagh, under Sir John Craven Carden—and Upper and Lower Ormond, with Owney and Arra, under Lord Dunally. Several Gentlemen of the highest rank, and some Noblemen, were named as Inspectors of Baronies.

On Monday fortnight between nine and ten o'clock, a fire broke out at the livery Stables of Mr. Gilding in Parr-Street, behind Duke-street, Liverpool, which, from the nature of the premises, burnt with tremendous fury. The discovery of this terrible calamity was not made as the fire had reached such a height, as to render it impossible to get out the horses, and it is with extreme concern, we add, that six of these useful animals fell victims to its devouring rage. To these owners, all our readers, we are persuaded, will participate when we add, that four of them belonged to gentlemen of the country, and were employed in their honourable and important [illegible] o'clock, and every possible assistance was instantly given. Detachments from the different artillery corps attended, among the foremost of whom was his Royal Highness the Prince of Gloucester and Staff. He continued upon the spot till near 12 o'clock, aiding by his counsel, and animating by his presence and example. Happily for the neighbourhood the flames extended no further, though considerable damage was done by the removal of the furniture from the neighbouring houses.

Tyrrell and Donnelly, who were executed at Palmerstown, on Saturday last, acknowledged at once for which they were to suffer; denied having any act or part in the firing on their employer, Mr. Clarke; lamented they did not take his advice and admonition to them and others on the fatal evening of the 23d of July last, as if they had, and remained at home, it would have prevented the ignominious punishment which they were to suffer. They earnestly recommended to all their friends and hearers to avoid their fate, by keeping themselves free from rebellion or disloyal conduct of any kind, or meeting or illegal with persons inclined that way.—*Dub. Jour.*

A respite until further orders has been received for Francis Dawson and Thomas Mahon, prisoners in Chester gaol, under sentence of death from the last assizes for burglary and robbery.

CURRAGH RACES.

FRIDAY, SEPT. 16.

King's Plate of 100gs. for mares, 10st. each, 4-mile heats.

Mr. Keith's Irish Lad	1 1
Col. Lascelles's Brown Filly	4 2
Mr. Hall's Long-Legs	2 3
Mr. Symmer's b. m.	3 4
Mr. Cavanagh's br. m.	dist.
Mr. Buckley's b. m.	dist.

SAME DAY.

Sweepstakes for two yrs. old, 25gs. each, two yrs. old course.

Mr. Caldwell's b. c.	1
Mr. Whaley's ch. m.	2
Mr. Daly's ch. c.	3

SAME DAY.

Mr. Wesley's Butler, 5 yrs. old, 8st. 9lb beat Mr. Daly's Dawkins, aged, 8st. 2lb. four miles, for 500gs. each, p. p.—a great deal of money was won and lost on the race.

COMMERCIAL AND MARINE REGISTER.

DUBLIN

	arrived from
18 Industry, Jones,	Aberystwith
Peggy, Hayes,	Wexford
Molly, Kirkpatrick,	Glasgow
Leicester Packet,	Holyhead
Hope, Larkin,	Drain
19 Mary Flower, Richards,	Aberystwith
Right Colliers	
18 Hawk, Tonin,	Belfast
St. Mary and Patrick, Barry	Youghal
Hawkins, Power,	Waterford
Mary, King,	Wexford
Concord, Valentine,	Sligo
Six Colliers.	
20 Lofus Packet,	Holyhead
Uxbridge Packet,	Holyhead
Mary and Sufan, Barret,	Youghal
Peveril, Lisson,	Westport
One Collier.	

	sailed for
16 Uxbridge Packet,	Holyhead
17 Dalrieth, Donnell,	Belfast
Hawk, Dunn,	Liverpool
Martha, Rumford,	Ballycastle
Triumph, Williams,	Westford
Venus, Crawford,	Drogheda
Hope, Peterhead,	Mull
Five Colliers	
Leander, Barber,	Holyhead
18 Mary, Stewart,	Drogheda
Adventure, Stafford,	Wexford
Venus Packet-boat,	Pargate
Marquis of Drogheda,	Maryhead
Three Colliers	
19 Four Colliers	

STOCK EXCHANGE.

DUBLIN—TUESDAY, SEPT. 20, 1803

Gov. Deb. 5 per cent. 88¼—Grand Canal Loan, dited 94, 97, 98, 6 per cent. 93¾

PRICE OF ENGLISH STOCKS.

PATRON, ANCHORMAN 16.

3 per Cent. Cons. 85¼—Cons. 7¾ 6/8

4 per Cent. Reduced

COURSE OF EXCHANGE.

Dublin on London (Sept. 19)	13¼
London on Dublin (Sept. 16)	13¼
Belfast on London (Sept 17)	13¼
—— on DUBLIN (Belfast	1½ 60 days

MEETING AT THE ROYAL EXCHANGE, THIS DAY.

John Byrne, of Dublin—Final Examination.

PRICES OF CORN AND FLOUR

for the Week ending Friday, Sept. 16.

	from s. d.	to s. d.	Mid. Price s. d.
1183 Wheat, per bar. of 20 stone,	16 0	32 0	29 9
2159 Oats, per ditto,	11 0	17 6	13 11
Oatmeal, per cwt.	14 6	17 0	15 3
611 Barley, per barrel,	13 6	15 0	14 0
Bean, per cwt.	4 6	07 0	05 9
Sold to Bakers only,			
and barrels of Wheat, about	18 0	34 0	30 0
9732 cwt. of Flour, at	18 0	130 0	18 0

Average of Wheat 2 Bushels, 3 qrs. 3lb. per barrel.

SALES of Flour { 18, from 25s. ead. to 29s. ead. 1168 cwt. { 2d, —— 15s. ead. —— 21s. ead. { 3d, —— 4th. ead. —— 18s. ead.

RECEIPTS, 3613 cwt.

ASSIZE OF BREAD.

FOR THE WEEK COMMENCING MONDAY, SEPT. 19.

WHITE.	s.	d.	HOUSEHOLD.	s.	d.
Twopenny,	0	11	Twopenny,	1	1
Fourpenny,	1	6	Sixpenny,	2	3
Sixpenny,	2	1	Twelvepenny,	4	6

MARRIED—Mr. Samuel Henry of Coleraine, linendraper, to Miss Mary [illegible] one, daughter to Mr. William Knox, of Kilcreevy.

DEATHS.—At Tynan, county Armagh, Mrs. Ann Billington.—At Ballyrisoda, Queen's co. Mrs. M. Fallon, relict of the late Rev. Samuel Preston, of Ct. Wgath, in the 70th year.—At Portlaoise, Mr. Patrick Gaffney, aged 92.—At Dundrum, Mrs. Margaret, wife of Wm. Magrath, Esq. of Blackhall-street.—In Fitzgerald's lane, Daniel Kelly, Catholic teacher, much [illegible] and sincerely regretted by a long and [illegible] acquaintance.

BANKRUPT—Christopher Halpin, of Dublin, distiller, brewer and chapman, to surrender on the 30th inst. 1st October, and 1st Nov. next.

Mr. Hitchcough acknowledges to have received from [illegible] Esq. for prisoners, in aid of the funds for relieving sick and indigent roomkeepers.

The English Mail will be dispatched this night at 10 o'clock.

A caution to Ruptured Persons, &c.

☞ Many Gentlemen and others having been deceived by Sham Boards, with the name of *Moyse, &c.* within one or two Doors of hers, he thinks it necessary to inform his Friends, that he has no Sham Board, but that his House is distinguished by Iron Rails.

N.B. A Person having been indiscriminately spread abroad, by Thos. Mrs. Monroe had warned from *Barker's*—the hope to prevent any Public, that [illegible] was not one in view the Cordial [illegible] for such a report; and that he did overlook [illegible] Boarded Tenement of Brattrash [illegible] his House, formerly Nº 2, but now No. 2, Townsend-street. (Date's 1788).

NOTICE.

HIS Excellency the Lord Lieutenant [illegible] against his desire that any [illegible] belonging to Regiments (and [illegible] have been granted upon the [illegible] Years, in Case of Half-pay, as [illegible] Wilson, Colvill & Wilkie, Chief [illegible] Joint Agents to the Widows of Officers [illegible] Establishment, therefore inform all [illegible] concerned, that the several Certificates and Affidavits (of the usual Form) [illegible] Notice and Information [illegible] the 25th of April, 25th of August [illegible] annually, which are required to [illegible] Office, No. 61, Bartholomew's Yard, [illegible] Six Weeks after the Termination of [illegible] Periods.

The Widows are directed to apply [illegible] from 11 to 2 o'Clock, during the Full Week or [illegible] of which due Notice will be given in the Dublin Journals and Gazettes, Weekly Papers, throughout the Kingdom.

Dublin, 31st August, 1803.

WM. & W. C. COLVILL.

By the Lord Lieutenant and Council of Ireland,

A PROCLAMATION.

HARDWICKE.

WHEREAS by an Act passed in the 22d and 23d years of his Majesty's reign, entitled "An Act for better securing the liberty of the subject," and commonly called the Habeas Corpus Act, it is provided, that it shall and may be lawful for the Lord Chief Governor or Governors for the time being, and Privy Council of Ireland, to suspend the said Act, during such time only as there shall be an actual rebellion or rebellion in [illegible] and that [illegible] Judges, Justices of Peace [illegible] or persons charged with being concerned in such insurrection or rebellion with or an Order from the Lord Lieutenant or Lord Justices and Privy Council of Ireland, for the time being, signed by two of the said Privy Council, any law, Statute, or usage to the contrary in any wise notwithstanding.

And whereas a daring rebellion hath actually taken place out in Ireland, and hath been [illegible] to [illegible] the operations of the said Act during the present [illegible] therefore:

Now we the Lord Lieutenant and Council do on the our profession and affirmation, that the fact set [illegible] and the same is hereby declared, that all Judges, Justices of the Peace, and others, are required to take Notice.

And wherever there is reason to apprehend that several persons, charged with having been concerned in [illegible] are endeavouring to escape [illegible] by departing from Ireland.

Now we the Lord Lieutenant being desirous to bring all such offenders to speedy punishment, do by and with the advice of his Majesty's Privy Council, for this purpose, signed by our Chief Secretary, or the Under Secretary for the Civil Department, or either of them, or by some person thereunto [illegible] in [illegible] [illegible] by them, or either of them, to [illegible] such persons.

And we do hereby strictly command all Masters and Commanders of all Ships and other Vessels departing from Ireland, that they do not, upon any account whatsoever, take on board their vessels, or on departing from Ireland, any person having his face [illegible] as aforesaid, save and except the [illegible] actually employed to navigate such vessels respectively.

And we do further command all Magistrates, Officers of the Revenue, and all Officers Civil and Military, to [illegible] when [illegible] to [illegible] and endeavours to prevent the departure of any person from Ireland not having such passports as aforesaid.

Given at the Council Chamber in Dublin, the 22nd day of July, 1803.

Redesdale, C. Chan. Dublin. W. Tuam. Drogheda. Annesley. Mayberry. Tyrawley. J. Beresford. R. E. Fox. Hen. Langrishe. M. Smith. Henry King. D. Latouche. C. Hamilton. M. Fitz-Gerald. Standish O'Grady.

God save the King.

TO THE LADIES OF IRELAND.

MR. LOW, Perfumer, London, has discovered in the course of his Professional examinations, the most valuable cosmetic for the improvement of the Skin, ever yet made public; he has combined it with, and perfects it in "Dr. Bates Dr's Imperial Soap called the *Cosmetical Sempervirens Compound*, its great efficacy has obtained the general approbation of the Nobility and Gentry of England, and in preference when generally known, it will be equally esteemed and admired by the Nobility and Gentry of that part of the United Kingdom called Ireland—For their convenience he has appointed two respectable Houses in Dublin for the sale, where a constant supply may at all times be had.

Mr. Low, Perfumer to his Excellency the Lord Lieutenant, and the Irish Court, Parliament-Street; and Moffat, Jeweller and Toy Dealer, Capel-Street, price 3s. 6d. per Square.

THE CORDIAL BALM OF GILEAD

Justly recommended efficacy in all nervous deliriums, fits, head-aches, weakness, heaviness of the stomach, of spirits, diseases of ferment, disorders of digest, confused thoughts, and wanderings of the mind, vapours and melancholy, and all kinds of hysteric complaints gradually go off by the use of the Nervous Cordial; to women in general, virtuous marriages, destruction and child-bearing it is safe, powerful and efficacious remedy. These [illegible] some of its great effects are frequently seen [illegible]

Sold only by Dugdale and Bell, Dame-Street; Caldwell, College-green; Davison, Parliament-Street; and by Woodcock, No. 4, College-green; of whom may be had, price only 2s. 9d.

A GUIDE TO HEALTH.

And an Abridgement of which who have the care and education of Youth; Likewise, Advice to Mothers, particularly the afflicted with Nervous Complaints.

A LOVER's CALL TO ECHO.

Mild Darling's my dear, shall I love by for ever—
Echo, For ever.
How shall I secure, her affection I secure—
Echo, Secure.
How can I give assurance that all my flame—
Echo, Constant.
But my manners do fail, can it by love woo—
Echo, To Perfume.
Will the Stars name a flame or Peacock [illegible]
Echo, Pea.
Do it then accept [illegible]
Echo, Pea
[illegible]
Echo, Pea
[illegible]
Echo, Pea
[

stand at the moment of being launched into eternity. The platform was about five or six feet from the ground, and was ascended by a ladder.

When Robert Emmet alighted from the carriage, and was led to the foot of the scaffold, his arms being tied, he was assisted to ascend by the executioner, but he mounted quickly and with apparent alacrity. He addressed a few words to the crowd very briefly, in a firm, sonorous voice, the silver tones of which recalled to the recollection of his college friend those accents on which his hearers hung, in his wonderful displays on another theatre, and on occasions of a very different description. In the few words he spoke on the scaffold, he avoided any reference to political matters, or to the events with which his fate was connected: he merely said, "My friends, I die in peace and with sentiments of universal love and kindness towards all men." He then shook hands with some persons on the platform, presented his watch to the executioner* and removed his stock. The immediate preparations for execution were then carried into effect; he assisted in adjusting the rope round his neck, and was then placed on the plank underneath the beam, and the cap was drawn over his face; but he contrived to raise his hand, partly removed it, and spoke a few words in a low tone to the executioner. The cap was replaced, and he stood with a handkerchief in his hand, the fall of which was to be the signal for the last act of the "finisher of the law." After standing on the plank for a few seconds the executioner said, "Are you ready, sir?" and Mr. Hayden distinctly heard Robert Emmet say in reply, "Not yet." There was another momentary pause; no signal was given; again the executioner repeated the question, "Are you ready, sir?" and again Robert Emmet said, "Not yet." The question was put a third time, and Mr. Hayden heard Emmet pronounce the word, "Not ——" but before he had time to utter another word, the executioner tilted one end of the plank off the ledge, and a human being, young, generous, endowed with precious, natural gifts and acquired excellencies (but in his country, at that period, fatal gifts and acquirements), with genius, patriotism, a love of truth, of freedom, and of justice—was dangling like a dog, writhing in the agonies of the most revolting and degrading to humanity of all deaths; and God's noblest work was used as if his image was not in it, or its disfigurement and mutilation was a matter of slight moment and scarce worthy of a passing thought on the part of those "dressed in a little brief authority", whose use of it in Ireland had been such as "might make angels weep". After hanging for a moment motionless, life terminated with a convulsive movement of the body. At the expiration of the usual time the remains were taken down and extended on the scaffold, the head was struck from the body, grasped by the hair, and paraded along the front of the gallows by the hangman proclaiming to the multitude, "this is the head of a traitor, Robert Emmet". When the head was held up, Mr. Hayden says, there was no distortion of the features, but an extraordinary pallor [the result of the flow of blood from the head after decapitation]; he never saw a more perfect expression of placidity and composure. He can form no idea what the cause was of the delay which Robert Emmet seemed anxious for at the moment of execution. He might have been in prayer, but it did not strike Mr. Hayden that it was any object connected with his devotions that was the occasion of the words he heard.

My impression is that Robert Emmet had been made acquainted with a design at the time and place appointed for execution. Of that design government appears to have had information, and had taken precautionary measures, which had probably led to its being abandoned. The avowed object of Thomas Russell's going to Dublin, after his failure in the north, was to adopt plans for this purpose. I have not been able to obtain any account of the persons who were parties to it. The body was removed in a shell, in a common cart, first to Newgate and then to Kilmainham, and was deposited for some hours in the vestibule of the prison till the necessary arrangements were made for its interment. A short time after the execution, within an hour or so, Mrs. M'Cready, the

*Robert Emmet could not have given his watch to the executioner, as in his letter to his brother Thomas Addis, written but a few hours before, he leaves his watch to his nephew, the eldest son of Thomas Addis Emmet, the late Judge Robert Emmet of New York. The executioner retained the watch as a perquisite and it was never recovered by the family.

daughter of Mr. James Moore, in passing through that part of Thomas-street observed near the scaffold where the blood of Robert Emmet had fallen on the pavement from between the planks of the platform, some dogs collected lapping up the blood. She called the attention of the soldiers who were left to guard the scaffold to this appalling sight.

The soldiers who belonged to a Highland regiment manifested their horror at it;* the dogs were chased away; and more than one spectator loitering about the spot, approaching the scaffold when the back of the sentinel was turned to it, dipped his handkerchief in the blood and thrust it into his bosom.

The following appeared in the Dublin "Freeman's Journal" of August 12th, 1878, as a communcation to the editor. It was very generally reprinted in the United States, and the writter of it being known to the Dublin editor it was at that time accepted as authentic:

BALLINA, COUNTY MAYO, 8th AUGUST.

SIR:—A most important historical figure belonging to the genus man has passed away, through the inevitable doom of death, in the hospital attached to the Ballina workhouse, and was buried yesterday. This man's name was Barney Moran, a native of Dublin, and a professional Tramp, earning his bread as a ballad singer. This individual, unlike the author of Junius Letters, resolved that 'his secret should not perish with himself, so he has revealed to the medical and superintending staff of the workhouse that he was one of the soldiers who accompanied Major Sirr and Swan to Murphy's, the featherman's house in Thomas-street, to capture Lord Edward Fitzgerald, and that he loyally acted his part in that bloody drama of Irish dissatisfaction as well as loyalty to the British crown.

Barney, the ballad singer, whose demise I chronicle, had reached his ninety-ninth year. A more important revelation was made by Barney Moran. It was that it was he who acted the part of executioner at the death of Robert Emmet. This confession was made to a gentleman holding a most respectable position in Ballina. I called upon him, and he has avowed the fact, and also that he was under an obligation to keep Barney's secret until after his death. Barney Moran stated to him "that he was doing duty in Portobello barracks when he accepted the blood money for hanging Robert Emmet. He was brought in civilian's clothes to the well-known spot where the patriot underwent the penalty of the law." If you deem the communication, which I have authenticated with my name, worthy of a place in your columns, you are at liberty to send it abroad on the wings of the press, particularly as it reveals a long hidden secret, viz.—"who was the executioner of Robert Emmet?"

Yours very truly,

WILLIAM KEARNEY,
Civil Bill Officer.

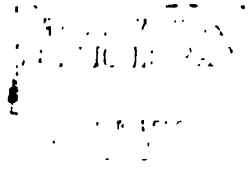
The reader will find that Mr. J. F. Fuller of Dublin, has been instrumental in determining much in relation to the disposal of Robert Emmet's remains, and he has probably discovered where they are to be found, as indicated in Chapter XXVII. For several years the question had remained unsettled as to the acceptance of any remains for those of Robert Emmet where the bones of the neck were found uninjured, as it had generally been accepted that his head was separated by means of an axe on a butcher's block.

Just as this work was passing into the hands of the publisher, the following was received from Mr. Fuller:

*"It is well worthy of observation, that, of all the king's troops in Ireland during the Rebellion of 1798, the Scotch invariably behaved with the most humanity towards the people. It is well worthy, too, of recollection, what the difference in the treatment of the State prisoners was, when they were removed to Scotland, and were placed in the charge of that most excellent man, Lieutenant-Colonel James Stuart, the lieutenant governor of Fort George".

REPRODUCTION BY ANNA FRANCES LEVINS

Thomas Street, Dublin, where Robert Emmet was executed in front of Bridgefoot street and Catherine Church



STATEMENT OF MR. CAHILL.

This is to certify:—

I have often heard my grandmother (who lived to be 105 years of age) relate the circumstances of Robert Emmet's execution. She was an eye-witness from the window of a friend's house on the opposite side of the street. She saw the body stretched out on the scaffold floor and the head severed from the trunk with a large knife by the executioner; and it held up as that of a "traitor".

And she saw the blood *gushing out* of the neck, and people rushing to dip their handkerchiefs in it, brutally pushed aside by the soldiery. She was so overpowered by the horror of the scene that she put her hands up to her eyes and went off into a faint.

PATRICK K. CAHILL.

Dublin, 24th March, 1914.

Mr. Fuller obtained the above statement from the well known optician of Dublin, Mr. Cahill, personally known to Mr. Fuller, and his standing in Dublin is such that his statement cannot be questioned, nor could any object for misleading exist with either the authority or himself.

In his capacity as a surgeon the author will state that if it could be shown that the blood escaped in a jet, or "gushing" manner, or with greater velocity than a flow, it would prove, in addition to the brutality of the scene, that Robert Emmet was alive, although unconscious, at the time his head was severed from the body, the heart and arteries continuing to contract until the vessels had been emptied. As the body was laid out on the floor of the scaffold, Mrs. Cahill, and those with her, were in a position to have been attracted by the escape of blood, which could not have been noticed by those on the street below the level of the scaffold. That the body was placed in this position as stated by Mrs. Cahill, where the knife could be used, is corroborated by Dr. Madden's friend, and the excessive loss of blood was also noticed by others. During the French Revolution, after several persons had been decapitated by the guillotine, the blood was generally seen running in the gutter, and when the head has been severed by an axe or sword, the blood spouts in every direction and continues until the body is bloodless. On the other hand, where an individual has been properly hung, so as to break the spinal cord, and it has been established by the pulse that death has taken place before severance of the head, only the larger vessels from the heart are emptied and the quantity escaping is insignificant. It has been shown that the executioner was not an expert and allowed Emmet to adjust the rope around his own neck, and he certainly did not make an examination of his pulse, or take any other means to establish the death. Anne Devlin was several times suspended by Sirr and Trevor quite as long as Robert Emmet, but as some air got into her lungs and the spinal cord was not ruptured by pressure of the knot in the noose, she gradually recovered as her circulation was re-established.

Although Robert Emmet's last letter to his brother, Thomas Addis Emmet, was not allowed to reach him, his request that his brother and wife should receive Miss Curran as a sister and his wife in case her father and her brother should not protect her, was promptly communicated to Mr. Curran by the au-

thorities. Mr. Curran promptly made the following reply to Mr. Wm. Wickham:

SIR: I have just received the honour of your letter, with the extract enclosed by desire of His Excellency. I have again to offer to His Excellency my more than gratitude, the feelings of the strongest attachment and respect for this new instance of considerate condescension. To you also, Sir, believe me, I am most affectionately grateful for the part that you have been so kind as [to] take upon this unhappy occasion; few would, I am well aware, perhaps few could, have known how to act in the same manner.

As to the communication of the extract, and the motive for doing so, I cannot answer them in cold parade of official acknowledgment; I feel on the subject the warm and animated thanks of man to man, and these I presume to request that Lord Hardwicke and Mr. Wickham may be pleased to accept; it is, however, only justice to myself to say, that even on the first falling of this unexpected blow, I had resolved (and so mentioned to Mr. Attorney-General), that if I found no actual guilt upon her, I would act with as much moderation as possible towards a poor creature that had once held the warmest place in my heart. I did, even then, recollect that there was a point to which nothing but actual turpitude or the actual death of her parent ought to make a child an orphan; but even had I thought otherwise, I feel that this extract would have produced the effect it was intended to have, and that I should think so now. I feel how I should shrink from the idea of letting her sink so low as to become the subject of the testamentary order of a miscreant who could labour, by so foul means and under such odious circumstances, to connect her with his infamy, and to acquire any posthumous interest in her person or her fate. Blotted, therefore, as she may irretrievably be from my society, or the place she once held in my affections, she must not go adrift. So far, at least, these protectors will not fall off.

I should, therefore, Sir, wish for the suppression of this extract, if no particular motive should have arisen for forwarding it to its destination. I shall avail myself of your kind permission to wait upon you in the course of the day, to pay my respects once more personally to you, if I shall be so fortunate as to find you are at leisure. I have the honour to be, with very great respect, your obliged servant,

JOHN P. CURRAN.

The following poem is supposed to have been written by Robert Emmet shortly before his death:

MY OWN LAND, I LOVE HER STILL.

1

This world hath many a glorious land
  Where beauty ever dwells,
Old snow crowned hills, and valleys grand,
  And happier summer dells;
Where oft the poet in his lays,
  Loves ever more to tell
How heroes died in former days,
  And freedom's martyrs fell.
    My own land, I love her still
      Whate'er her fate may be
    My own land, my own land
      You're all the world to me.

2

Among the nations of the world
She holds a glorious name,
And yet, her flag shall be unfurled
For freedom and for fame.
She kneels a weary suppliant there,
Her sun of life seems set,
But oh! a few shall breathe a prayer,
For her redemption yet.
My own land, my own land, etc. etc.

3

The holy love a mother feels
When bending o'er her child,
Or lover when he lowly kneels
To whisper love's thoughts wild,
Or maiden when the first pure kiss
Of love is on her brow
Are weak and cold and passionless
To the love within me now.
My own land, I love her still, etc. etc.

4

The loves of which the poet sings,
Which through all time shall live,
To tell in solemn hymns thy wrongs,
Those are not mine to give;
But truer heart shall never beat
For love of thee or thine;
I lay this offering at thy feet
O! native land of mine.
My own land, etc. etc.

The writer would acknowledge his great indebtedness to Frank J. Sullivan, Esq., of San Francisco, Cal., for a copy of the foregoing poem from his friend, Mr. James J. Caniffe, of the same city. Mr. Caniffe wrote to Mr. Sullivan:

Many years ago a gentleman of education, well read in the history of Ireland and particularly so in that awful, gloomy, yet glorious period from 1796 to 1803, presented me with the poem, a copy of which I enclose. These lines he assured me were written by Robert Emmet the night before his execution,—only a few hours before his soul took flight to the bosom of its God, with the hangman's rope swinging before him. It is impossible to read the poem of such a man without regarding him in any other light than that of a marvelous being.

Mr. Caniffe endorsed on the copy of the poem:

The following beautiful poem was found on the person of Robert Emmet after his tragic execution.

I have never seen it in any published collection. It was evidently held as a sacred relic of the martyr by the person into whose possession it came.

The history of this poem claims that it was in the possession of only two individuals subsequent to the death of Robert Emmet, and it was accompanied

with the tradition that it was found on his person after his execution, and that it was written during the night before his execution.

It cannot be accepted that it was written between Emmet's trial and execution. It was well past midnight after the trial before the prisoner reached Kilmainham Jail and was left to himself. Between this time and his execution, it is well known that Mr. Emmet wrote three long letters and a detailed account to his brother of his course,—what he expected to have accomplished, and the cause of the failure. That he was able to accomplish so much after the fatigue he had sustained during the twelve hours of his trial, might well be doubted had he not been under observation. He might have written the poem at some time during his imprisonment, as he was allowed every facility for writing; and from the endorsement as to the manuscript having been found on Emmet's person, after his death, there exists no special reason to doubt the truthfulness of the tradition. Moreover, if this be true, it may be held without question that Robert Emmet was the author of the poem, as he was too closely watched to have received it from any one. It must have been written when he was greatly depressed in mind on account of Miss Curran's position after his arrest.

In "The Picture of Dublin, &c."* it is stated:

> On the evening of the 23rd of July, 1803, another rebellion broke out in the city which produced considerable alarm . . . Among the principal conspirators was Mr. Robert Emmet, of great ability, who with several others, were afterwards tried, found guilty, and executed. In consequence of this conspiracy, the city was proclaimed under martial law for some time, barriers were placed at the several canal bridges, and other entrances into the city, with guards, and all persons confined to their houses after nine o'clock at night.

This statement is given, as the writer has seen nowhere else the evidence placed on record showing how much the authorities were alarmed by the event, while every effort was made to ridicule and set forth the insignificance of the whole movement.

*"The Picture of Dublin; being a description of the city and a correct guide", Dublin, 1817; a remarkably good work of its kind.

What! Never be free? Three millions of your people condemned by their fellow-subjects to an everlasting slavery in all changes of time, decay of prejudice, increase of knowledge, the fall of Papal power, the establishment of philosophic and moral ascendancy in its place! . . . It would be in vain even to renounce the spiritual power of the Pope, and become like any other Dissenter.

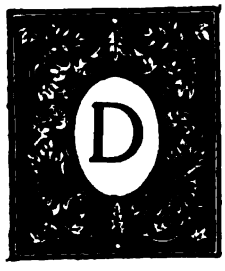
Grattan on Protestant Ascendancy.

It is the wish of the Minister to have them in a state of insurrection that he may have a pretext for this measure [the Union]; it was his wish to have them driven into insurrection before; it was his command to goad them into it; and hence the system of unparalleled cruelties which we have witnessed.

Miss Emmet, 1799.

Chapter XXIII

Jealousy of British Government regarding Irish State Papers—Bar especially put on publication of those relating to events of 1798 and 1803—Sealed up by Sir Bernard Burke with approval of the Duke of Marlborough—Among State Papers was a letter from Pitt to Secretary Marsden urging another outbreak in Ireland "at all hazards"—Suggests that Robert Emmet, then in Paris, should be approached for the purpose—Burke's statement about British Government's methods for bringing about "the Union"—Little doubt that rising of 1803 was promoted by British Government—Even Viceroy, Lord Hardwicke, kept ignorant of what was going on—Castlereagh the moving spirit in the policy of dupery and infamy—Hardwicke papers in MacDonagh's work illuminating and confirmatory—Knox's letter to Lord Hardwicke and other documents—Orangemen made accomplices in their country's ruin—Important State Papers believed to have been destroyed—Fitzpatrick alludes to these papers—Robert Emmet's purpose not result of deliberate misleading, but of misplaced confidence in his associates.



URING Mr. Gladstone's first administration permission was obtained to inspect a portion of the Irish State papers, covering the period from 1798 to 1804, which were then supposed to be deposited in the State Department, London. But after a search it was found that this section of the papers had been sent some years before to Dublin Castle, for classification before being placed on deposit for public inspection.

After the arrest of Thomas Addis Emmet, his father's house and his own were searched and every particle of manuscript found was seized and carried off by the Government officials. This loss of family papers caused afterwards great difficulty and inconvenience, and the writer's object in examining these records was to obtain copies of any letters or documents that could be found of national interest or bearing upon the family history.

On visiting Dublin Castle it was ascertained that these papers were in the custody of Sir Bernard Burke, but on presenting the permit the writer was informed that under no circumstances could they be opened for public inspection. Being disappointed in the main object of his investigation, it naturally followed that the writer employed Burke to institute the systematic

search of the English and Irish public records, which was carried on for years under his direction.

The history of the Emmet family was a subject of frequent conversation between them, and on one occasion Sir Bernard admitted that he had made a partial inspection, several years before, of the papers from 1798 to 1804. In explanation of the bar put upon these papers, he furthermore stated that he had satisfied himself that public interest would not be served by anyone having a knowledge of their contents, and consequently he had called the attention of the Lord Lieutenant (the Duke of Marlborough) to them, with the request that they be sealed up. He then conducted the writer to one of the upper stories of St. John's Tower, Dublin Castle, where the State records were kept, and in an out-of-the-way corner pointed out a wooden box, corded up and sealed. Across one of the cords was pasted a sheet of paper, on which was written a recommendation, signed by the Duke of Marlborough himself, that, for the public good, these papers should not be inspected for a term of years, the exact time named being now forgotten. On being further pressed for additional information, Sir Bernard admitted that he could give no accurate information about the mass of papers, which did not at that time interest him, as he had limited his attention almost entirely to an inspection of those connected with the bringing about of "the Union" and those bearing upon the uprising under Robert Emmet. His object in having them sealed up and forgotten was to insure, if possible, their preservation for historical purposes hereafter.

As the writer was not a subject of Great Britain, Burke doubtless thought that he could be more confidential, and at the time his communication was received in confidence, but circumstances have since removed the obligation of silence. To all appearances Burke was one of the "Castle People", and as a retainer of the Tory Government he was obliged to be subservient, in order to ensure his position and the support of himself and family. For all that, it is believed that at heart he was a true Irishman. After the writer had become well acquainted with him he was fully convinced that Burke felt a deep sympathy for Robert Emmet and for everything pertaining to his memory. Under the circumstances, therefore, he would naturally be more communicative with official information to a member of the family than he would be to one without such natural interest in the subject. His statement was to the effect that the methods employed by the British Government to bring about "the Union" were almost beyond human conception, and constituted a most damnable record of crime, corruption and bribery. But his statement in reference to Robert Emmet was naturally of the greatest interest to the writer. According to him, these papers showed that when Napoleon had nearly closed the English ports with his fleets and for a time had nearly destroyed British commerce, the English people became so restless and the Tory Government so unpopular that it was thought necessary to devise some means of diverting the public attention. Sir Bernard Burke also made the following positive statement: that he had read among these State papers a letter from Pitt, the English Tory Minister,

then at the head of the British Government, addressed to Secretary Marsden, directing that another outbreak should be gotten up in Ireland "at all hazards", and suggested that "Robert Emmet, who was in Paris,* *should be approached for the purpose.*" Burke also found an unbroken chain of evidence to show that in consequence of this mandate from the Government an agent, carefully instructed for the purpose, went to Paris, approached and misled Robert Emmet, inducing him by misrepresentation to return to Ireland. He said, moreover, that these papers clearly showed that from the time of Emmet's landing until the outbreak in Dublin took place the police aided in every way to perfect the movement. In fact, it was made most evident that the Government agents in Dublin were informed of every move, and were as thoroughly conversant with the whole affair as if it were directed by the "Castle". Madden, in his study of these times, without being able to gain any accurate information as to the origin or purpose of the move, obtained the clearest evidence that Mr. Emmet was misled and betrayed from the beginning of his course. All Dr. Madden's investigations on this point, though conducted independently of Burke and by access to different material, go to confirm the latter's testimony—*i.e.*, that the movement did not begin with Robert Emmet.

Henry Grattan, in a letter to Fox, dated December 12th, 1803, refers to Lord Hardwicke's administration and its methods of suppressing the insurrection as follows:

> *Mr. Pitt had never been able raise a rebellion by his measures* if he had not been assisted by the gross manners of his partizans.

Madden, in his "Life of Robert Emmet", states:

> There is no doubt that the conspiracy of 1803 originated not with Robert Emmet, but with parties in Ireland *who contrived to keep their real objects undiscovered and their names, too, unrevealed,*—who managed to have projects of renewed rebellion taken up by the leaders of 1798 who escaped expatriation,—men not of the highest order, intellectually or morally—who having remained in Ireland, found means to enter into communication with some of the principal leaders then in France, and through them with the First Consul and his Ministers.

The men "who escaped expatriation" held an immunity, as we must now believe, being in the employ and pay of the British Government, and consequently were able to gain and hold the full confidence of the Irish leaders by their apparently consistent patriotism.

It would seem as if Robert Emmet himself felt it advisable at that time to withhold certain portions of the history of the movement. It may have been that he desired to shield certain individuals he believed to be patriots, and whose connection with the movement he thought was unknown to the Government. But, with the knowledge we possess to-day, the probabilities are great indeed that these very individuals whom he fully trusted were at

*Robert Emmet had been living abroad practically ever since a few months after his resignation from Trinity College, in April, 1798. At this time, when he was deceived and induced to return to Ireland, he had already made all his arrangements to accompany his brother to America.

that time spies and informers in the pay of the British Government. In the speech delivered at his trial Robert Emmet said:

I have been charged with that importance in the efforts to emancipate my country, as to be considered the keystone of the combination of Irishmen, or, as it has been expressed, "the life and blood of the conspiracy". You do me honour over much; you have given to the subaltern all the credit of the superior. There are men concerned in this conspiracy, who are not only superior to me, but even to your own conception of yourself, my lord—men before the splendour of whose genius and virtues I would bow with respectful deference.

Louise Imogen Guiney, in her sketch of Robert Emmet, has, with many others, adopted the view first advanced by Dr. Madden, and first accepted unquestioned by the writer as to Robert Emmet's early connection with the outbreak in 1803. She writes:

There is no documentary proof forthcoming for it as yet, but it is painfully probable that his little afterglow of a rebellion was long fostered, for reasons of their own, by great statesmen, and that their secret knowledge of it arose from Irish bad faith; that, in short, he was let dream his dream until it suited others to close the toils about him. The two or three highest in authority in Dublin, Lord Hardwicke chief among them, were kept as ignorant as himself. But to die prodigally at twenty-five, and to be enshrined with unwithered and unique passion in Irish hearts, to go down prematurely in dust and blood, and yet to be understood, felt, seen, forever in the sphere where "only the great things last", is perhaps as enviable a privilege as young men often attain. His is one of several historic instances in which those who have wrought little else seem to have wrought an exquisite and quite enduring image of themselves in human tradition.

With none of the celebrities of his own nation can he in point of actual service compare; but every one of them, whether known to ancient folk lore or to the printed annals of yesterday, is less of a living legend with Thierry's "long-memoried people", than "the youngest and last of the United Irishmen, the child of the heart of Ireland".

As there exists on this subject no higher authority than Dr. Madden, we must again quote his views as expressed in his Life of Emmet:

Nothing can be more clear, from the official documents and parliamentary papers I have placed before my readers, than that Lord Hardwicke was kept in total ignorance of the preparation for Robert Emmet's conspiracy 'till the very evening of the outbreak on the 23rd of July, and *that Mr. Marsden was in possession of all the secret knowledge that was necessary to have enabled the Government to have seized on Emmet and his associates four months before that outbreak, and to have prevented the insurrection from ever having been attempted at all.* But that result would not have suited the views of Lord Castlereagh. There was a new French invasion apprehended. It was to be anticipated by another prematurely exploded rebellion. Castlereagh's hand was assuredly in the direction given to the Irish Government by Mr. Marsden, without the knowledge of the Lord Lieutenant, who was a straightforward, good man, incapable of any act of state villainy such as Castlereagh delighted in secretly performing. The Orangemen, be it remembered, at that period were indignant with Lord Hardwicke for setting his face against the old Camden policy of allying the Government with Orangeism or rather dividing the power of the state with that faction. The Irish Government was to be made to feel that Orangemen could not be done without. *The old traitors in the camp of the United Irishmen, who had not then been discovered, were brought into communication with those members of the faction, to whom the mysteries of the haute politique of its Machiavellian régime were confined, and the result was the concoction of a mass of lying*

reports, transmitted to the United Irish leaders in France in 1802, purporting to give an exact account of the real state of things in Ireland, and showing it to be most favourable for a renewed attempt on the part of the United Irishmen.

This statement of Dr. Madden is a remarkable confirmation of the one made by Sir Bernard Burke, and his conclusions were most sagacious, since he could not have had access to the papers seen by Burke.

That the Earl of Hardwicke was kept in total ignorance of the preparation being made for Robert Emmet's outbreak, and that Marsden was in possession of all necessary knowledge weeks before the 23rd of July, as Dr. Madden has stated, is now fully proved by the recent publication by MacDonagh of the Hardwicke Papers, and the following extracts are taken from his work.*

In January 1804, the Lord Lieutenant was startled to learn from the Hon. George Knox, M.P., for Dublin University, that in June, 1803, he had been the means through which information of the existence of the Emmet conspiracy had been communicated to William Wickham, the chief Secretary, and that Wickham probably believing it to be unfounded took no action. The information came from Peter Burrowes, a lawyer, etc. . . . In confirmation of his story, Knox sent to Hardwicke the following most interesting extract from his private diary: "June 1st 1803; London. Received the following letter from P. Burrowes:

'May 28th.

'My Dear Knox:

Since I sealed my letter I have had a communication by mere accident which inclines me to think I misinformed you in the chief point of my letter. I am going to say that I think there is an invisible revolutionary government in great forwardness and activity and that they have numerous partisans in the city of Dublin, and all through Leinster, in the city of Limerick, and other parts, etc.' "

After the conclusion of Mr. Burrowes' letter several extracts are given from Mr. Knox's diary between June 3 and June 13, 1805. Among these is the following:

Friday, June 30th 1803. London. Saw Wickham. We settled that Burrowes should write Marsden under the signature "Junius". . . . Monday June 13th —— sent Burrowes' letter to Wickham.

The paper containing these extracts from the diary of George Knox, has the following note in the handwriting of the Lord Lieutenant:

N. B. Not one word of this letter of the 10th of June was communicated to Dublin until after the 23rd of July. [Not to his knowledge probably.] *Nor did I ever hear of these letters until some time after Mr. Wickham's arrival in August. I never saw these copies till February,* 1804 . . . *and when I procured from Mr. G. Knox what I could not obtain from Mr. Wickham's papers.* H.

Dr. Madden, after exposing the part played by the Orangemen in exciting disturbance among the Irish people, goes on to picture the misery that had fallen upon Dr. Emmet and his wife. He then continues:

Orangemen of Ireland, who secretly fomented seditious designs of disaffected men in 1802, who connived at their machinations and *allowed conspiracy to go unchecked,*

*The Viceroy's Post Bag, London, 1904.

'till young Emmet was sufficiently deceived to be easily destroyed—these are your triumphs; the desolation of the home of an aged, virtuous couple, the ruin in which all who belonged to them were involved, the ignominious death of their youngest, gifted child. These are your achievements! Of what avail are they now to your discredited Frankenstein-lived institution? And what advantages to England's imperial interest have accrued from them?

Robert Emmet must have obtained some intimation, between the time of the outbreak and his arrest, of the infamous trickery employed by the Government against him. He certainly realized and expressed the belief that he was condemned to death before his trial commenced. To-day we may add to this charge, that he was condemned to death before he had ever committed an overt act, and that the English Tory Government, through its Minister, conceived, bore, and gave birth to this plot for his judicial murder.

Sir Bernard Burke was an invalid for some time before his death and must have been in ignorance of what was done in his office. But at some time during the Tory administration, previous to the last Liberal one, the papers which have been so frequently referred to must have been discovered by some official of the Government and from prudential motives destroyed.

Soon after the Liberal party came into power search was made, by permission of the authorities, for this box of papers, but not a trace of its contents could be found. In fact, nothing remains to-day but the corroboration given by Dr. Madden to prove the truth of Sir Bernard Burke's statement: While the circumstantial evidence is all in favour of the truth of Burke's assertion concerning the letter from Pitt to the Irish Secretary, it will now, unfortunately, have to stand unproved, since those who are cognizant of the facts are not likely ~~ever to divulge~~ their secret. Yet a student can entertain no reasonable doubt of the action of the English Government in forcing the outbreak of 1798 for political purposes; and the people of Ireland were no less discontented with their condition after the fraudulent "Union" had been brought about by the same influence. With a knowledge of the provocatory measures used by the Government in Ireland and their purpose, the movement of 1803 was a natural sequence under the direction of Pitt's agents in Ireland, so that Pitt's naming of the tool to be made use of may be considered proved. Therefore, it follows that the English authorities were responsible for the death of Robert Emmet as for a premeditated act; his execution was a legal murder. Should the murder of Robert Emmet be disproved, the incontrovertible fact remains that Pitt, in forcing the outbreak of 1798, in order to make the Union between England and Ireland seem an unavoidable measure, deliberately caused the death (or murder) of over one hundred thousand Irish men, women and children. Therefore, the murder of Robert Emmet was comparatively a trivial affair.

Certainly, some one during the period of the last Tory rule had free access to the papers contained in the sealed chest in St. John's Tower, Dublin Castle, and not with the object of preserving its contents. A short time before Mr. Gladstone's last administration, the writer purchased in Dublin some

State papers which have already been given to the reader in facsimile, and which were connected with Robert Emmet's arrest and trial. No one can claim that these were not State Papers, which must at some time have been among the Irish public records. It is even probable that they were taken from the chest within which Sir Bernard Burke told the writer he had seen the most important papers relating to the rebellions of 1798 and 1803, and which, through his representation to the Duke of Marlborough, then Lord Lieutenant, had been sealed and corded up with the recommendation it should not be opened until after the lapse of a stated period. Wherever they came from it cannot be questioned that the papers offered for sale to the writer could not have been so disposed of unless taken from the Government records. The writer had no misgivings as to his being the receiver of stolen property, beyond the regret that he had not the means to secure all that were offered to him. Those familiar with the methods of a Government office, and especially one in Ireland, would be satisfied that no official would dare take the responsibility of breaking the seal which protected these papers, unless ordered to do so by some one with the authority of the British Government.

When "The Emmet Family" was published in 1898, the author presented a copy of the work to the library of Parliament. Several years ago a member of the House of Commons, on accidentally seeing the book in the library, became interested in the author's statement concerning the chest which had disappeared. Ascertaining that there was then in St. John's Tower no chest such as had been described, and learning that all the papers had been indexed for reference, he caused the Government to be questioned. But no information could be obtained beyond the statement made by some official that the contents of the chest in question had been sent to the "State Office" in London for preservation. As the Record Office in Dublin Castle was the only legal place of deposit for the preservation of Irish records, the answer was an absurdity. To the writer's knowledge the only possible information bearing on the subject was recently found in Fitzpatrick's work, "Secret Service under Pitt" (London, 1892, p. 96), where reference is made to "the sealed chest in Dublin Castle which was opened a few years ago". By this means the statement that *such a sealed chest was in St. John's Tower at the time the Tory party last came into power,* is at least corroborated, and the fact is one easy of proof that it could not be found when the writer obtained permission from the authorities under Mr. Gladstone to examine the contents of this chest for access to the Emmet family papers, which were seized on the arrest of T. A Emmet and which, it was supposed could be found there.

The papers purchased in Dublin were obtained previous to the publication (1892) of Fitzpatrick's work.

Doubtless when the chest was opened, a judicious selection was made and orders were given to remove all evidence implicating the English Government during Pitt's administration. What proportion of these papers was destroyed or lost to Ireland can never be known. But of all others, the English official

has the least delicacy of feeling or appreciation of sentiment, judging from many of the public papers which have been published by the Government to the discredit of the English people's honesty. Therefore, it is probable that those not stolen were sent to the English Record Office in London to be hidden away. The want of sentiment in England has always protected her own records, however discreditable. With a knowledge of the course which has been followed of late it is believed that these papers may be in England, but are forever lost to Ireland. The writer has known for some years past that a large number of public papers have been transferred to the English Record Office. Of this transaction he has from time to time received information from those on whose veracity he has every reason to rely, having known them in former years when he was a seeker for historic information among the record offices of England and Ireland. His informants were more in sympathy with England, and regarded it as a creditable and sagacious move, so that in the event of Ireland obtaining the management of her own affairs, there will not be found among the Irish archives the slightest evidence of England's past misdeeds and misgovernment in Ireland. From the beginning of her connection with Ireland, England has managed to keep the world in ignorance of the truth, and it is to be feared that she will take every precaution to prevent the truthful history of the past six hundred years from ever being written.

The present Government probably knows nothing of such a movement, nor would it be likely, even were it Whig or Tory, yet it must be held responsible for the agents in Ireland whom no Government has ever dared to remove. For the past two hundred years or more the real controllers of affairs in Ireland have been the self-perpetuating office-holders of the Castle and the representatives in Ireland of his Satanic Majesty, who have governed the country in the name of "Protestant Ascendancy," but solely for their own profit. No one has given so clear a description of the consistency of this octopus, which has so long held Ireland in its clutch, as the Earl of Dunraven in his work "The Outlook in Ireland". These mongrel Irishmen who have never had a country, know that now their days are numbered and are anxious to remove the evidence of their unjust stewardship.

The writer would apologize for this seeming digression were it not a topic which can never be so regarded in the consideration of any subject relating to Ireland; as easily might the warp in a cloth be separated from its fibre.

Some repetition is necessary at this point to determine to how far the Irish administration was prepared, or had any knowledge of the preparations made by Robert Emmet, previous to the explosion in Patrick Street. It is a question which may never be settled. The writer has no positive evidence to prove that Dr. Madden was totally wrong in the position first taken by him,—that Robert Emmet was misled, and that consequently his death was a legal murder. But to hold that as a free agent he was not misled by the Government, but was deceived and betrayed by those whose patriotism he had had no cause to doubt, is a distinction without a difference. That the younger Pitt

originated the policy towards Ireland whereby misrule and injustice were to force an outraged people into open rebellion, the writer has not the slightest doubt. But the Union of England and Ireland did not originate with Pitt, for the question was often under consideration in Queen Elizabeth's reign and was finally abandoned on the plea that there existed no legal ground on which it could be brought about.

It remained for Pitt, the Prime Minister, and the representative of the honor and honesty of the English nation, to force into being the most dishonest transaction ever perpetrated, resorting for the accomplishment of his purpose, to brute force and robbery, with carnage, violence to women, and waste of life, regardless of age or sex. He first pauperized the country by robbery to obtain the means for corruption, carried on to an extent hitherto unequalled, and after the people had been reduced to as helpless a condition as one stricken down on the highway with a slung and shot, he established the despicable bond of political union to which the Irish people were not a party and never will be. The whole transaction was carried on by the English puppets, living in and on Ireland, who received the plunder as the representatives and in the name of the great British Empire.

It may be that tangible proof no longer exists that Pitt suggested Robert Emmet as the one best fitted for the leadership of the Irish rebellion which Pitt wished and succeeded in bringing about. But the writer can never forget the expression of sincerity which, watching closely, he beheld on the face of Sir Bernard Burke, while he was making the statement that he had read the letter from Pitt to the Irish Secretary, in which he wrote that an early Irish outbreak was necessary and that Robert Emmet, then in Paris, should be secured as the leader for that purpose.

When Emmet was brought over from Paris, he was not misled as to his purpose, but deceived by those acting as English agents, who were spies and informers from the beginning, and who were formerly known to him as friends connected with the Rebellion of 1798, and whose truthfulness he had never had occasion to doubt. When Emmet accepted the leadership he was first put in charge by these men, who apparently had the authority to do so. These supposed leaders and friends gradually left him in full command of the organization, which it was his task to develop, while they retained throughout a sufficiently close connection with him to obtain full knowledge of what was going on. They also left a sufficient number of supposed patriots with him as spies, to see to it that every direction on his part should, at the proper time, fail in accomplishing its purpose. The writer, as he has already stated, fully believes the explosion was brought about with a deliberate purpose to force the issue before Emmet had been able to complete his preparations.

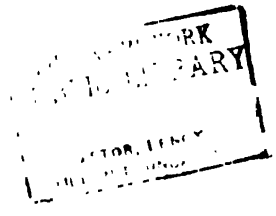
A repetition is necessary to call the attention of the reader to the explosion and to Dr. Madden's statement as detailed to the writer. When, after considerable delay, the police had made an examination, they reported that one person had been killed and several so severely injured that it was necessary to take them to a hospital. Dr. Madden informed the writer that he devoted

several weeks to an investigation, using every facility at his disposal as a medical man, with the result that he could find in Dublin no trace of a record of any injury from the explosion nor of the dead body the police were supposed to have removed from the depot, nor were there at the time any records of injured persons admitted to any of the hospitals. The records and case-books were all examined by him, but he could find the name of none of these men, nor had there been treated, under assumed names, any cases where the injuries could have been caused by an explosion.

The reader has been shown in addition that several of the men present at the explosion were subsequently employed by the Government in making rockets at Woolwich, and under Congreve—reputed to be the inventor, owing to his having made some slight change in the rocket devised by Emmet, but now known, through English influence, as the "Congreve" rocket.

It is not that we are apostles of hate. Who like us has carried Christ's word of charity about the earth? But the Christ that said "My peace I leave you, my peace I give you", is the same Christ that said "I bring not peace, but a sword!" There can be no peace between right and wrong, between truth and falsehood, between justice and oppression, between freedom and tyranny. Between them it is eternal war, until the wrong is righted, until the true thing is established, until justice is accomplished, until freedom is won.

P. H. Pearse, B.A., Saint Enda's College, Rathfarnham, Dublin.



REPRODUCTION BY ANNA FRANCES LEVINS

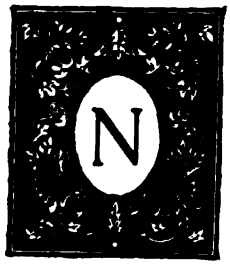
Sketches of Robert Emmet, taken during the trial by Petrie, with one of Lord Norbury

Agriculture is the mother and nurse of a military population. Ireland has been forced into this.

J. P. Curran.

Chapter XXIV

History of the likeness of Robert Emmet—His death mask—The one shown a copy made in 1880 from original taken by Dr. Petrie on night of execution—Various theories of the origin of pictures published—One attributed to Brocas generally accepted—Mystery of disposition of Emmet's body probably will not be solved—Possible that the skull may have been preserved and will yet be forthcoming—Various unsubstantiated surmises as to place of burial—The betrayer of Emmet's hiding place—Copy of warrant for payment of the reward.



O likeness of Robert Emmet made previous to his trial is known to exist, the two portraits which have been reproduced being from sketches taken at that time. The finished sketch was done by Comerford, and the other was drawn by the elder Petrie. Comerford was at that time a noted miniature painter in Dublin, and he stated that he only drew hastily on a piece of brown paper held in the palm of his hand, the outline of Emmet's face, afterwards finishing it at home from memory. He had to catch the likeness in the evening with oil lamp and candle light, and to work rapidly to avoid attracting attention, for at such a time any one would have been regarded with suspicion that showed enough interest in the prisoner to wish to preserve his likeness. The reproduction is from the original drawing in the writer's possession, which Mr. Robert Holmes obtained from Comerford, and which his daughter, Mrs. George Lenox-Conyngham, presented to the writer shortly before her death. After it came into his possession, Mr. Holmes employed Comerford to paint a finished miniature from this sketch, which he sent to his brother-in-law, Mr. Emmet, in New York, keeping the original for himself. This miniature passed, after the death of Thomas Addis Emmet, to the eldest son, Judge Robert Emmet, and it has remained in that branch of the family. Comerford's drawing has never been given to the public before this reproduction, but it will be easily recognized from the profile portrait generally known as Robert Emmet's likeness, which was copied from the miniature sent to Mr. Emmet. Dr. Petrie drew a three-quarter face and a profile on the back of a letter. These bear a general resemblance to the Comerford portrait, and Petrie succeeded in showing more character in his drawing. He afterwards published an engraved portrait from

the three-quarter face drawing, but he failed to depict Robert Emmet's character, as he had succeeded in doing in the original sketch. The profile likeness in the Petrie drawing which is placed between the two of Robert Emmet, was intended for Lord Norbury, the presiding judge, who had laid his set of false teeth in full view beside him. This truthful sketch, as it doubtless was, has been enlarged, and for the first time Norbury's likeness is given to the public, and the result is not disappointing.

Many years ago a physician in Dublin obtained from Petrie's widow the whole collection of portraits and drawings made by her husband, and from this physician Petrie's sketch of Robert Emmet was purchased.

The death-mask here shown is a copy made in 1880 from that taken by Petrie on the night of Emmet's execution. The original at that time belonged to Dr. Madden, and unfortunately had been covered with a thick coat of white paint, which detracts somewhat from the sharpness of outline. But more of the mask hereafter.

Michael MacDonagh brings his book, "The Viceroy's Post-Bag", to a close with the following:

"They who make half revolutions dig their own graves", says Saint-Just. Every established government is compelled by the instincts of self-preservation to brand as traitors and to pursue to the death those who by revolution seek its overthrow. But the pathos of failure in a hopeless cause has an irresistible fascination. To humanity it appeals with the glamour of romance. The world will ever refuse to hold in execration the memories of those who give their lives on the gallows for an idea. At any rate, in Ireland the tragic story of Robert Emmet will endure forever. He is the dearest saint in the calendar of Irish political martyrology. In the humblest cabins on the land may be seen—with the pictures of the Blessed Virgin and St. Patrick—rude portraits of Emmet as he would wish perhaps to be remembered—in his cocked hat and feathers, his green and gold and white uniform, as commander-in-chief of the Forces of the Irish Republic.

That Comerford was present at Emmet's trial after dark, about nine o'clock, has never hitherto been recorded. At that hour his presence would have been less likely to attract attention; consequently his accidental sketch of Robert Emmet was made under every possible difficulty, particularly as to lights and shadows. Emmet seemed exhausted as he stood directly in the glare of oil lamps and candles, above, in front and to the right of him, so that the side of his face towards Comerford was more in the shade. Comerford remained but a few moments in the room, took a last look at his friend and just missed hearing the speech.

The death-mask shows a large and prominent scar on the left corner of the mouth. The shadow produced by the principal light to his left would have made it seem to Comerford, unless assisted by an opera glass, as a large protruding under-lip, which the death-mask and other drawings show he did not have. He had a flat under-lip and the traction of that scar, just at one point of the upper-lip, drew it straight, the result as to expression being the same as that produced by closing a cleft for hare lip. The angry expression of Emmet's face is also unnatural, as he was seldom known to be angry. The tradition has been preserved that throughout the day of his trial his manner

Robt Emmet

ENLARGED FROM COMMERFORD'S PORTRAIT BY ANNA FRANCES LEVINS

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was markedly suave and dignified. It was only when, after the great fatigue of the day, he had begun his speech, during which he was so often interrupted and misrepresented, that his indignation was expressed. The expression of Robert Emmet's face confirms the tradition as to the time when it was sketched, which is further verified by the long crease shown in the coat from the collar to the shoulder. While standing all day in the dock he supported himself by resting his hands on the rail before him, which being rather high, forced him to bend his arms out and push the body of his coat upward and thus cause a number of horizontal wrinkles below the large collar. While he was speaking, since there had been no upward pressure, and the arm had been hanging down or moving about, this fold would gradually disappear. When the writer explained and pointed out to the artist what he has just stated in the text, she enlarged Comerford's portrait and treated in detail such features as were pointed out to her, so that a most valuable result has been produced. Every detail as to likeness has been preserved, and with this portrait it is now possible to determine the value of every drawing claimed to have been made at the time of the trial.

From the author's knowledge of the light and position in this court-room, he is certain that Petrie made his visit late in the afternoon, as shown by the shadow on the left side of Emmet's head, and that it was drawn while Petrie was standing on the floor below and close to the right of the judicial bench.

In 1898 the author published "The Emmet Family", and in that work the following statement was made:

> Mr. John Mulvany, the artist who painted the large historical picture of "Sheridan's Ride", has recently produced for the writer a portrait of Robert Emmet, which in all probability will be accepted in the future as the most truthful representation now to be obtained of Emmet's general appearance. The portrait is made from a study of the death-mask and from a combination of Comerford's and Petrie's sketches. This plan has been undertaken in part by others, but each effort heretofore proved unsatisfactory and was abandoned. The artist has followed chiefly Petrie's sketch, as it indicated the most character. The expression exhibited by it was undoubtedly caught by Petrie at the moment while Emmet had been speaking, and in one of the pauses when the judge is insinuating that he had made his terms with the French for his own personal advantage. The supreme degree of contempt which Robert Emmet felt for the course pursued in conducting the trial, which was felt to be a libel on justice, and his righteous indignation at the charge made by the judge, are shown in the picture. It is true the expression is not one which would be selected as a prominent feature in the likeness of a friend. But this represents a special incident in an historic scene which will be held ever dear to the memory of the Irish people. Moreover, Mr. Emmet was not only vindicating himself at this moment, but also the action of the Irish people themselves, who were in sympathy with his course, and from this standpoint only the likeness will probably be accepted.

The writer had no expectation that what he had written would be accepted as expressing more than a suggestion. The sketch was certainly not expected to be accepted unquestioned as the likeness of Robert Emmet. This would have been unreasonable, as time and close study could alone determine the question.

Mulvaney's portrait is simply a curiosity, showing great talent in the combination of many different likenesses and expressions, which are so blended as to show in one face a typical family likeness. As such, it would answer equally well as a portrait of the writer in his young manhood, as of Robert Emmet or any other member of the family.

Something more definite has, however, since been found, so that Mulvaney's portrait is no longer to be accepted as an authority.

As so little has been known in relation to Robert Emmet's likeness and engraved portraits the following from the "Irish Book-Lover", December, 1911, is of particular interest:

There has lately come into my possession an invaluable rare copy of "The Insurrection of the twenty-third July, 1803", Dublin, printed by Graisberry and Campbell, 10 Back Lane. The preface is initialed H. B. C., who is believed to be Henry Brereton Code (Cody?), and dated "Dublin, October 25th, 1803". It is a one-sided account of the Emmet Insurrection, evidently written at the instigation of Government.

This copy is beautifully bound in red morocco leather, gilt tooled, ribboned; and was presented to the Right Honourable William Wickham, Secretary of State, as an inscription records. In this volume are four portraits, Robert Emmet (frontispiece), Felix O'Rourke, Henry Howley and Dennis Lambert Redmond. The last three are inscribed: "J. Petrie del., P. Maguire, sc., published at No. 82 Dame St." These are no doubt rare and interesting, but are surpassed by that of Robert Emmet, which was "drawn and engraved by H. Brocas, Sept. 19, 1803—price one shilling". Now Emmet was tried on that day and executed on the day following.

In Dr. Emmet's monumental work, "The Emmet Family", no mention is made of this rare contemporary portrait of the young patriot, so that the doctor cannot have known of it, as he writes fully on the question of portraits. Brocas was well known as an engraver at this time, and his pictures of Irish scenery are fairly common. There are no portraits in any other copy of the book I have seen, and the questions arise, was Wickham's copy unique, or were the others suppressed? Is this the only copy of the book extant where the portraits have survived, or are they insertions? Readers of I. B. L. may be able to give information on these points. I may add that the portraits are all fine, stipple engravings, carefully done and extremely beautiful and artistic. In the right hand corner of the surrounding border of the Emmet portrait there is a small mysterious "2". The paper shows the plate marks. Emmet's portrait is after the style of that known as Comerford's, given in Dr. Emmet's book, page 167, and never before published, but it differs in detail and extent of the body shown. From whom did Brocas on the day of Emmet's trial obtain the drawing, or did he do it himself?

FRANCIS JOSEPH BIGGER.

Ardrigh (Belfast)

What is termed the original sketch by Brocas of Robert Emmet, in the Joly collection of the National Library of Ireland, Dublin, is a proof engraving from the same plate as that possessed by Mr. Bigger of Belfast; both were "hand pulled" and are, probably, the only impressions ever taken from this plate, as no others are known to exist. From the writer's knowledge of the room he is able to state that Brocas made his drawing at an early hour and not later than ten o'clock, when the blank wall of the court room to the right of Emmet was yet bright from reflected light, which showed his erect figure in bold relief, emphasizing his freshness of bodily vigor and his defiant air.

While at work Brocas stood about twelve feet to the west of the prisoner,

If the FRENCH land in Ireland, Oh, my Countrymen!
meet them on the Shore with a Torch in one hand — a Sword in
the other — receive them with all the destruction of War — Immediate
them in their Boats before our Native Soil should be polluted
by a Foreign Foe.

REPRODUCTION BY ANNA FRANCES LEVINS

Broadside issued by the Government and engraved by Brocas, falsifying Robert Emmet's speech in court

MEMOIRS OF MR EMMET,

Executed in Thomas-ſtreet, City of Dublin, for High Treaſon, on Tueſday, the 20th September, 1803,

after an Impartial Trial which laſted Thirteen Hours, before a moſt Reſpectable Jury.

ROBERT EMMET, who is repreſented in the above Plate pronouncing his Speech, previous to his receiving Sentence of Death, was the youngeſt ſon of the late Doctor Emmet, who for many years derived the greater part of his income from his ſituation as State Phyſician. Where his ſon Robert imbibed the deſtructive Principles which would have plunged his Country into the abyſs of Anarchy, it is impoſſible now to aſcertain; he diſplayed them, however, at a very early period, in the endeavour to ſeduce from their Allegiance his Fellow Students of Trinity College, from which he was Expelled in the Year 1796. The interval between that period and the latter part of the year 1802, he employed in viſiting, and probably receiving inſtructions from his friends at *Fort George*, and travelling over the Continent, where he witneſſed the miſeries of the Inhabitants of thoſe Countries the French had overran, and conceived that horror of their interference he ſo forcibly expreſſed at his Trial; yet with that inconſiſtency which ever accompanies an unreſtrained imagination, he trod in the path the French Reformers purſued, and prepared for this Country the complicated miſeries of murder and devaſtation. A little before Chriſtmas of the year 1802, he returned to Ireland, and took up his abode at *Harold's Croſs*, under the aſſumed name of *Hewitt*, but finding a reſidence in town incompatible with his ſchemes, he hired a houſe in the vicinity of *Rathfarnham*, in a place called *Butterfield-lane*, of which he took a Leaſe under the name of *Robert Ellis*; this place he left about the 16th of the following July, and eſtabliſhed himſelf in the *Malt-Houſe*, in *Marſhalſea-lane*, which, from containing the implements of deſtruction, deſtined to the aſſaſſination of his unſuſpecting Fellow-Citizens, he dignified with the name of a *Depot*; from thence he iſſued on the evening of the 23d *of July*, at the head of a contemptible band of nefarious aſſaſſins, who, after committing the moſt diſgraceful atrocities, were at length diſperſed by a ſmall body of the army and yeomanry, and fled different ways, but have been ſince apprehended, and ſuffered the puniſhment due to their crimes. Strange infatuation! that can ſtill prompt the poor to riſk their lives in the ſervice of leaders, who either, as in the rebellion of 1798, turn king's evidence, and betray them, or, as on the preſent occaſion, ſacrifice them to vain expectations, and feed them with the hopes of being joined by rebel forces, which have no exiſtence but in their own imaginations. When we behold this arrogant young man ſeated in ſtate on the floor of a Malt-Houſe, ſurrounded by Lieutenant-Generals *Dowdall* the Clerk, *Stafford* the Baker, and *Quigley* the Bricklayer, aſſuming the title of General, and giving laws to thirty or forty deluded mechanics and labourers, half of whom were killed in the firſt attack he led them to, and the remainder hanged in the courſe of a few weeks after. When we conſider the miſery, the diſgrace, and the deſtruction his mad attempt brought on thoſe whom he prevailed on to join him, mingled emotions of contempt for preſuming audacity, and pity for miſguided ignorance ariſe in the mind, and we doubt whether moſt to deſpiſe or to compaſſionate the ravings of inſanity in the leader, or the credulity of the victims he conducted to the gallows.

But the wild enthuſiaſm, bordering upon madneſs, which had ſo far inflamed his mind as to magnify four or five contemptible miſcreants into a Proviſional Government, and a handful of cowardly aſſaſſins into an army, did not affect the judgment he had formed from actual obſervation during his tour through the miſerable Countries ſubject to France. His opinions, tho' entirely warped upon other ſubjects, were, upon the point of the entrance of the French into this country, perfectly ſound; and it is for this reaſon they are given to the public, to confirm the loyal in the laudable purpoſes of an invincible reſiſtance, and to warn the wavering and the viſionary, if any ſuch are ſtill found weak and wicked enough to proſecute ſchemes of treaſon, and depend for their conſummation upon the ſuccour of France: let them, before they awaken the fury of a ſanguinary rabble, reflect upon the fate, while they ſubmit to the opinion of him, who though he ſuffered his enthuſiaſm to run into the wildeſt riot of revolutionary frenzy, recoiled from the co-operation of France, and deprecated with his dying breath ſuch an imputation upon his character. "I have been charged, he exclaimed, "with endeavouring to ſell the Liberty of my Country to France; "God forbid that I ſhould ever ſee that Country have any Dominion "or Authority in Ireland. What I cannot do, I leave a Legacy to "my Country, becauſe I feel conſcious that my death were un-"profitable, and all hope of Liberty extinct the moment this Coun-"try ſhould fall under the dominion of the French."

At that ſolemn moment, when, as he himſelf expreſſed it, "I have burned out my lamp of life," when the viſions of triumph had vaniſhed, and the miſts of enthuſiaſm had faded away before the radiance of truth, what then were his ſentiments. "Let not any man "calumniate my memory by believing that I could have hoped to "give Freedom to my Country, by betraying the ſacred cauſe of "Liberty, and committing it to the power of *France*, her moſt deter-"mined Foe. Had I done ſo, I had not deſerved to live; and dying "with ſuch a weight upon my Character, I had merited the honeſt "execration of that Country which gave me birth. What has been "the conduct of the French towards other Countries? they pro-"miſed them Liberty, and when they got them into their power En-"ſlaved them. What has been their conduct towards Switzerland, "where it was ſtated that I had been? had the People there been "deſirous of French aſſiſtance, I would have ſtood between them "and the French, whoſe aid they called in, and to the utmoſt of my "ability I would have protected them from every attempt at Subju-"gation; I would in ſuch caſe have fought againſt the French, "and in the dignity of Freedom, I would have expired on the "threſhold of that Country, and they ſhould have entered it only "by paſſing over my lifeleſs corſe."

Such are the opinions of Mr. Robert Emmet, ſolemnly expreſſed upon that memorable Trial, which the dying injunction of the Murdered Kilwarden bequeathed to all thoſe who either immediately or remotely perpetrated his aſſaſſination. His expiring recommendation has been liſtened to by the Government with the reſpect it merited. Conciliation and mildneſs have characterized the adminiſtration of Lord Hardwicke: the voice of the Laws is heard firm, but mild in their appropriate tribunals, and the Conſtitution triumphantly exults over the daſtardly attempt that was made to ſubvert it.

To extract good from evil is the precept of that Providence which diſarms the purpoſes of revenge, and reveals the machinations of conſpiracy. The abortive effort to annihilate our Government, our Laws, and our Religion, has only ſerved to call forth with encreaſed energy the exertions of our gallant Countrymen. Thus prepared, and thus protected, we can with confidence oppoſe a foe who are impatient to deſtroy the only obſtacle to their ambitious and deſtructive deſigns. If we want an additional ſtimulus to preſerve and to perpetuate our Conſtitutional Liberties, let us remember the dying Exhortation of R. Emmet:—"God forbid! that I ſhould ſee "my country under the hands of a foreign power. *If the* FRENCH "*Land in Ireland, Oh, my Countrymen! meet them on the ſhore with a* "*torch in one hand—a ſword in the other—receive them with all the de-*"*ſtruction of war—immolate them in their boats before our native ſoil* "*ſhould be polluted by a foreign foe. If they ſucceed in landing, fight* "*them on the ſtrand, burn every blade of graſs before them, as they* "*advance; raze every houſe; and if you are driven to the centre* "*of your country, collect your proviſions, your property, your wives and* "*your daughters, form a circle around them—fight while two men are* "*left, and when but one remains, let that man ſet fire to the pile, and* "*reſcue himſelf and the families of his fallen countrymen from the ty-*"*ranny of* FRANCE."

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REPRODUCTION BY ANNA FRANCES LEVINS

several feet below him at the corner of the dock, and a little behind him. As a friend of the Government and one employed for this purpose, he was able to work to the best advantage and has undoubtedly produced the best result. Petrie made his sketch from one of the benches at a greater distance to the southwest, nearly in line with the judges' seat, and at some time after noon. Comerford made his visit after dark. In addition Brocas had the reputation of seldom failing to get a good likeness. Comerford, although equally as good an artist, was under suspicion politically and he told Mr. Robert Holmes that with the poor light and in his cramped position he could do little more than get the outline of the face, lest he might be seen at work and arrested as a confederate. The head, body and style of dress were finished at home.

As already stated both of these drawings were made in the same line of vision, the artists standing with their backs toward Green Street. Both sketches show the same position of the subject and the same number of locks of hair on the left side of the forehead, the one nearest to the ear being the longest. Brocas made some addition to his drawing while Comerford was at work, as shown by the set of the coat, and the degree of projection of the end of the vest collar beyond the collar of the coat. As Mr. Emmet was on his feet all day, moving from side to side in the cramped place of the dock, a movement of his body at any time would have soon changed the relative position of the projecting vest collar. Probably the hair remained but little changed throughout the day. The appearance of the cravat in each picture shows that it was tied leaving the right end longer, a circumstance not likely to have occurred on two consecutive days, and these all confirm their originality. It is an artist's instinct to work up with greater care in detail the points seeming indistinct to him on account of distance, and rather to slur over the more glaring features close at hand. Brocas shows a crease in the side of the coat below the collar, not due to misfit, but to the lifting of the right shoulder, as Mr. Emmet grasped the top of the railing in front of him. Comerford's drawing shows the prisoner had just moved his arm and with it down at his side the wrinkle had nearly disappeared. The presence of this crease would indicate that both artists did not work at the same time. The curved line of the wrinkle Brocas made use of and probably exaggerated it to indicate the rotundity of the body, while the indistinctness of the same line in Comerford's drawing, produces the appearance of a flat-chested man, which Robert Emmet was not, and shows his work at home.

The writer has already expressed his belief that Brocas was employed by the Government to make the etched court-room scene, shown on the large Broadside, with Emmet speaking as if giving utterance to the lying report there published for circulation among the people, and distributed together with a small hand-bill on which the portrait did not appear.

As was intended, this reported speech gave great offence to the French and was the cause of their sending elsewhere the fleet with which it was claimed Napoleon was on the eve of invading England or Ireland. This broadside was the work of the engraver many days before the trial of Robert Emmet,

and it must have been paid for by the government or it could not have been sold by the ostensible publisher at a shilling a copy.

By enlarging the head of Robert Emmet as given on this broadside, it is shown to be a copy of the engraved portrait by Brocas, in the possession of Mr. Bigger. The profile of Emmet as given on the broadside was beyond question changed after the head had been finished. The magnifying glass shows a change from an aquiline nose to a Grecian form with the bridge of the nose in the same line with the forehead. The sketch given by Miss Guiney in her "Life of Robert Emmet", is said to be "after Brocas's hurried court-room sketch". It would seem, therefore, that it was taken from the engraved print in the National Library, as otherwise the writer does not understand the reference to "Brocas's hurried court-room sketch". If the copy given by Miss Guiney "of the original print" was made by photography, Mr. Bigger's engraving published by Brocas and the one in the Library, were not printed from the same plate, nor from the original sketch made by him, as the unaided eye detects on the broadside the alteration of the profile in the enlarged nose.

Judging by the portrait of Robert Emmet made by Brocas on the day of the trial he could easily have taken the profile given on the broadside and also had impressions printed off during the night, to be sold next day at the time of the execution, as Dr. Madden informed the writer was done.

When the plate of the engraved portrait of Robert Emmet was finished it was naturally sent, together with an impression of the plate, to Castlereagh, who alone could have ordered the work. For some reason, now unknown, it was evidently not used for the purpose contemplated, and was probably forgotten until too late, which could have occurred in a few hours with the rapid changes then taking place. Afterwards, when the printed account of the trial was received, Castlereagh would naturally have had the single impression and the only known likeness of Robert Emmet, inserted with the others in the volume now belonging to Mr. Bigger, and the engraved plate from which it was taken could have been soon lost.

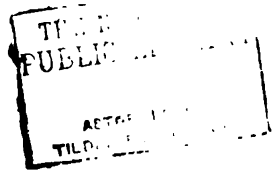
The issue of the large broadside by the Government was a most important political move and their sagacious trick in printing a false report of Emmet's speech was the means of quickly changing the whole prospect of Ireland by breaking up all good feeling between the United Irishmen and the French Government, as shown by Mr. T. A. Emmet's diary.

The author is unaware of a similar instance of political trickery attended by such widespread consequences.

Robert Emmet, while yet a boy was probably better known, at least by sight, to a larger number of persons in Dublin than was any other individual. He was constantly driving about with his father, as he was calling upon his patients, and as the agent of his mother in her charitable work he was well known to the poor. The Government was at work on its scheme of misleading the people by circulating among them a passage asserted to be an extract from the speech made by Robert Emmet at his trial. This was done for the purpose of exasperating the French Government and the leaders of the Irish Revolu-

REPRODUCTION BY ANNA FRANCES LEVINS

ROBERT EMMET
Enlarged from the broadside court scene by Brocas to show the head had been redrawn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tionary movement. To accomplish the purpose, however, it was necessary to have the broadside accepted, read and preserved, and this could only be done with the aid of Emmet's portrait, by having a likeness which every one would at once recognize. Brocas must have prepared his broadside and likeness several days beforehand, but he evidently realized at the trial that he had failed, and he made a change early in the day. As a friend of the Government, Brocas was free to avail himself of every advantage and he finally succeeded in his purpose to such an extent that his portrait is likely to be judged the best it will ever be possible to obtain of Robert Emmet. For some reason, after Brocas had altered the face of his subject in the court scene, he drew and engraved a plate, of which there are now known to exist but two impressions, the one belonging to Mr. Bigger of Belfast, and that in the Joly collection of the National Library, Dublin. The plate has been lost, as well as the original drawing made by Brocas, although this is generally stated to be in the National Library. Mr. Fuller made for the writer a tracing of that in the Library, which shows it is the same as the one held by Mr. Bigger; furthermore the date of drawing and the price for which it was to be sold are the same.

The portrait of Robert Emmet used as a frontispiece in Miss Guiney's Life and claimed to be a copy of the original drawing in the Joly collection is not from a drawing, but from an engraved impression, and is the same as that belonging to Mr. Bigger. In making the copy the extra profile has been exaggerated and made more distinct than in any other portrait.

Miss Levins, the accomplished artist who has produced the illustrations for this work, has made from the negative a remarkable composite portrait by printing one face from both the Comerford and Brocas portraits. When one is placed over the other the profiles in both drawings blend together as though the result were a tracing from either. The shape of the head differs but little. The ears are of the same shape and size, but in Comerford's the ear is placed much farther back, as he drew the greater part of his sketch at home from memory. The eye drawn by Brocas is placed in advance of that by Comerford, to correspond with the new profile. So accurate are the two drawings that each lock of hair covers the corresponding one. But while this portrait is correct as an anatomical drawing, it is worthless as a likeness, for all expression of feature is lost. Its only value lies in proving that each likeness was drawn directly from the same original and not at second hand.

After the execution the body was taken from Newgate in an open cart to Bully's Acre, or Hospital Fields, as it was sometimes called, the potter's field of Dublin. It is believed that the body was not buried but was put aside where it would be easily reached in case it were claimed. That night the body was sought for by the Rev. Thomas Gamble, of Dublin, who was the only friend of the family not imprisoned or in exile. When Mr. Gamble found the body he immediately went to obtain a permit to remove it. While he was absent getting this permit, Dr. Petrie came to take a cast of the face, and it is likely, also, with some intention of providing for the removal of the body.

It is said that being unable to procure some water to prepare his plaster, he

took the head, which had been cut off after the execution, to a neighboring house. During his absence Mr. Gamble returned and with some assistance took away the box containing the body, but what he did with it still remains a mystery. Dr. Madden was informed that Dr. Petrie had the skull in his keeping until a short time before his death, when he gave it to some physician who lived in Galway. No one who knows anything of Dr. Petrie's life and views would doubt, if this be true, but that he made careful provision for its preservation. When the time comes for writing Robert Emmet's epitaph this relic will certainly be forthcoming, and it may prove the only portion of his body obtainable.

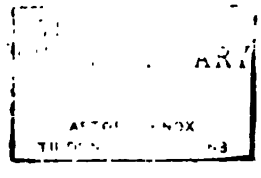
The fact that Mr. Gamble was the assistant curate in St. Michan's Church is the only plausible reason which can be advanced in support of the plea that Robert Emmet was buried there, where a large flat, uninscribed stone was said to cover his grave. But if the body could have been conveyed into town at all it would naturally have been taken to St. Peter's Church, for it was well known that the family had a vault there and that the bodies of Robert Emmet's parents had been placed there but a short time before. No good reason can be advanced for a selection of St. Michan's Church, with which the family had not the slightest connection. These two churchyards were not far from each other, and both were surrounded at that time by a high wall. Therefore it would have been necessary even for Mr. Gamble, the assistant curate of the church, to have hunted up the sexton to gain admission, and even then he could not have dug the grave without first obtaining a permit for burial, and the circumstance would then have been recorded. But while an attempt to bury the body of a stranger in any other graveyard would have necessitated a permit, which there was every likelihood of being refused, no such permit was needed for the right to bury Emmet in St. Peter's Church on Aungier Street. These, in brief, were the reasons advanced for believing and also for disproving that Robert Emmet's grave was in St. Michan's Churchyard.

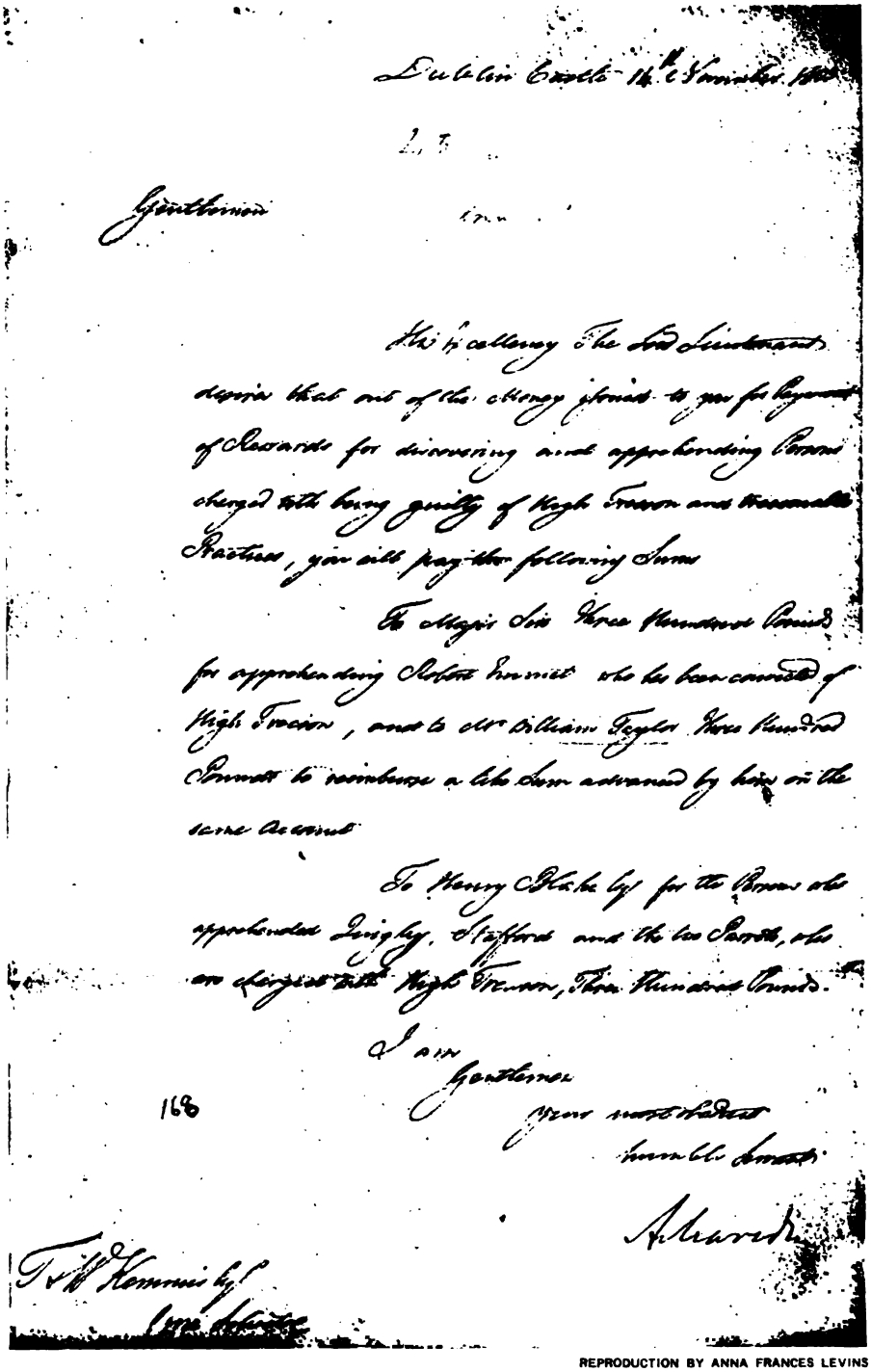
In regard to the doubt and uncertainty as to where Robert Emmet was buried, Thomas Moore wrote:

> O, breathe not his name! let it rest in the shade
> Where, cold and unhonoured, his relics are laid;
> Sad, silent, and dark be the tears that we shed,
> As the night dew that falls on the grass o'er his head.
>
> But the night dew that falls, though in silence it weeps,
> Shall brighten with verdure the grave where he sleeps;
> And the tear that we shed, though in secret it rolls,
> Shall long keep his memory green in our souls.

In a subsequent chapter will be found the result of an exhaustive research to determine the burial place of Robert Emmet.

After the trial and the disposal of the victim it became necessary to give "the pieces of silver" to the person who had betrayed Emmet's place of concealment. It will be seen from the reproduction that the name given in the





REPRODUCTION BY ANNA FRANCES LEVINS

Facsimile of the warrant issued by Alex'r Marsden, Under Irish Secretary, to pay for the betrayal of Robert Emmet

warrant with Major Sirr is one borne by a family closely connected for a century at least, with this branch of the Emmet family. On obtaining possession of this paper, it was suspected by the writer that this individual may have been the informer as to Robert Emmet's place of concealment. But on investigation it is made evident that the Wm. Taylor mentioned was a clerk in the employ of the Government, whose special business was in connection with the disbursement of the Secret Service money.

This warrant is signed by Alexander Marsden, Under Secretary in the Civil Department of the Chief Secretary's Office. He was essentially the executive officer of Irish affairs, and it was in his power to keep the Chief Secretary, as well as the Lord Lieutenant, in ignorance of Pitt's command and of the move he himself had made to bring about an uprising in Ireland, with Robert Emmet as the nominal leader.

The following is a copy of the warrant issued for the payment of the reward offered for the arrest of Robt. Emmet:

DUBLIN CASTLE, 14th November, 1803.

GENTLEMEN:

His Excellency the Lord Lieutenant desires that out of the Money issued to you for payment of Rewards for discouvering and apprehending Persons charged with being guilty of High Treason & treasonable Practices, you will pay the following Sum.

To Major Sirr Three Hundred Pounds for apprehending Emmet who has been convicted of High Treason, and to Mr. William Taylor Three Hundred Pounds to reimburse a like sum advanced by him on the same account.

To Henry Blake, Esq^{r}. for the Persons who apprehended Quigley, Stafford and the two Parrots, who are charged with High Treason, Three Hundred Pounds.

I am Gentlemen
Your most obedient
humble Servant,
A. MARSDEN.

To W^{m} Kemmis, Esq^{r}
Crown Solicitor.

Most certainly there is something rotten in the system of which Dublin Castle is the centre. Nothing flourishes, nothing develops under its yoke. It has poisoned the political atmosphere and given public spirit over to corruption. It paralyses all initiative, every desire of progress, every idea of justice. It blasts everything it touches; for the first demand which it makes on a young Irishman, anxious to fill a part in the public service, is that he should turn back on his beliefs, religious and political. It is the main agent of demoralisation, for as has been well said, when the people does not fashion the government the government fashions the people. Detested by Nationalist Ireland, it is also denounced even by Unionists of liberal tendencies. Three successive Under-Secretaries, Sir R. Hamilton, Sir Redvers Buller, and Sir West Ridgeway, have put on record their condemnation of the "Castle" system over which they had presided. Can it be reformed? Would it be possible to make the Castle government a good government, and the Union a reality and an advantage? The answer given by the experience of a century is NO! . . . The only possible reform is a revolution, the revolution that would be effected by the introduction of the representative principle.

L. Paul Dubois, L'Irlande cotemporaire, Tr. Kettle.

Total separation from England offers the only remedy.

T. A. E.

It was equally the wish of the friends of the country to keep the people from commotion, as it was that of the Minister to bring them to it; both felt that partial insurrection must be as injurious to the country, as advantageous to the Ministry.

Miss Emmet.

Chapter XXV

Sarah Curran—Her influence in Robert Emmet's life—Their engagement made only shortly before his arrest—Madden's Poem, "Miss Curran's Lament"—Driven from her father's house—Sheltered by friends at Cork—Her marriage to Captain Henry Sturgeon of the British Army—Her early death—"She is far from the Land"—Description of Sarah Curran—Her fine voice—Petrie's supposed portrait of her proved to be one of her aunt, Miss Curran—Frances A. Gerard relates the story of Sarah Curran—Whitty's account of their first meeting erroneous—Knew each other in childhood—Development of their courtship—In awe of her father—Share of Miss Lambart and Anne Devlin—Criticism of Emmet's plan and its execution—Major Sirr's visit to the "Priory"—Washington Irving's tribute to the unfortunate lovers—Attempted defence of Major Sirr—Secretary Wickham's letter to Major Sirr—Comments of "J. D. S." on Sarah Curran's and Emmet's correspondence—Much exaggeration as to subjects and extent of it—Emmet's letter to J. P. Curran after he was lodged in prison disposes of the inaccuracies in the story of their relations.

SKETCH of Robert Emmet's career would be incomplete, without an extended reference to Sarah Curran. A mere statement of the dry details of their connection can offer but little interest to the general reader, and yet to attempt more must prove a failure so long as the tale of "The Broken Heart", by Washington Irving, exists.

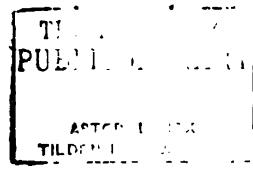
While it is believed that their actual engagement was not of long duration, it would seem the attachment on Robert Emmet's part had begun in boyhood. His letter of April 24th, 1802, to Madame de Fontenay, apparently shows that no engagement then existed, but a portion of it seems to refer to his own feelings and expresses some doubt as to their being reciprocated. When alluding to the sacrifice he would have to make if he returned to Ireland, he writes:

I must forget everything,—that I had hopes, friends, tender ties perhaps. I am not, however, certain that this can be done, and I doubt it myself.

Miss Curran was about twelve years of age when Robert Emmet entered Trinity College, and a very close and intimate relation existed between the two families before the political troubles had assumed definite shape, or it was even suspected that the Emmet family was in sympathy with them. Mr. Curran was essentially a self-made man, and a selfish one. Since success and future preferment rested on the good-will of the Government, and he lacked

REPRODUCTION BY ANNA FRANCES LEVINS

SARAH CURRAN
From a painting by Romney in the possession of the
Hon. Gerald Ponsonby



all interest in revolutionary movements, it was most natural that after young Emmet's views were known, he should have exercised his influence to terminate the intimacy.

Shortly after the death of Robert Emmet, Sarah Curran was driven forth from her father's house, penniless and an outcast, and was dependent for shelter on some friends in Cork.

Dr. Madden is the author of the following verses:

MISS CURRAN'S LAMENT OVER THE GRAVE OF ROBERT EMMET.

The joy of life lies here,
Robert Aroon;
All that my soul held dear,
Robert Aroon.
Spouse of my heart! this shrine,—
"This long-last home" of thine,
Entombs each hope of mine!
Robert Aroon.

But tears must fall unseen,
Robert Aroon;
The turf is not yet green,
Robert Aroon;
No stone must bear thy name,
No lips thy truth proclaim;
This heart must shroud thy fame,
Robert Aroon.

No Minstrel's strain for thee,
Robert Aroon.
The Harp must silent be
Robert Aroon.
It must not breathe one moan
Of pride or praise—not one;
Its strings have lost their tone,
Robert Aroon.

The night is dark and chill,
Robert Aroon;
My heart is colder still,
Robert Aroon,
No sun that e'er will shine
Can warm this heart of mine;
'Tis almost cold as thine,
Robert Aroon.

Still would I linger here,
Robert Aroon;
What home have I elsewhere?
Robert Aroon.
Ah! were I laid with thee,
How welcome death would be,
A bridal bed to me!
Robert Aroon.

My heart had but one hope,
Robert Aroon;
It only bloomed to droop,
Robert Aroon.
It never can bloom more,
The blight has reached its core,
And all life's joys are o'er,
Robert Aroon.

While Miss Curran was with her friends in Cork she met a former acquaintance, Captain Henry Sturgeon of the British Army, a nephew of the Marquis of Rockingham, who addressed her. He was a most estimable man and she well knew his great worth, but she declined his suit in remembrance of her lover—"For her heart in his grave was lying." Capt. Sturgeon persisted, and at length was accepted, but with the assurance that his ardent affection could only be returned by her esteem. Moreover, she frankly told him that in her destitute condition she found it necessary to obtain a home and a protector. She accompanied her husband to a milder climate, but she gradually passed away, dying of a broken heart.

In the issue of the "Gentleman's Magazine" for May, 1808, under the head of "Obituary, with Anecdotes of Remarkable Persons," appeared the following:

At Hythe, in Kent, of a rapid decline, aged 26, Sarah, wife of Capt. Henry Sturgeon, youngest daughter of the Right Hon. J. P. Curran, Master of the Rolls, in Ireland.

Thomas Moore, the faults of whose after life, manifested in his forgetfulness of the past, of the sorrow and suffering of his native land, and by his readiness to deny his birthplace with the object of winning position and the favour of his Tory friends in England, were atoned for in advance by his early poetry relating to Robert Emmet. He has written nothing to the memory of Emmet which does not strike a reciprocal note in the sympathies of every Irishman the world over, let his political bias be what it may.

How tenderly and with what exquisite refinement does he portray in the following verse the sorrows of the poor broken-hearted girl, who had ceased to live many months before her existence came to an end:

She is far from the land where her young hero sleeps,
And lovers around her are sighing;
But coldly she turns from their gaze and weeps,
For her heart in his grave is lying.

She sings the wild song of her dear native plains,
Every note which he loved awaking—
Ah! little they think who delight in her strains,
How the heart of the minstrel is breaking.

He liv'd for his love; for his country he died—
They were all that to life had entwined him;
Nor soon shall the tears of his country be dried,
Nor long will his love stay behind him.

Oh! make her a grave where the sunbeams rest
When they promise a glorious morrow.
They'll shine o'er her sleep like a smile from the west—
From her own lov'd island of sorrow.

Her remains were eventually laid to rest in her native land, where to this day her grave is supposed by many to be as unknown as that of her lover. But this is not the case as she was buried at Newmarket among her mother's people, with a stone cross to designate the spot. Dr. Madden quotes from the "Literary Souvenir" of 1831, in which the writer gives a description of Sarah Curran, who

Was about the ordinary size, her hair and eyes black. Her complexion was fairer than is usual with black hair, and was a little freckled. Her eyes were large, soft and brilliant, and capable of the greatest variety of expression. Her aspect in general indicated reflection, and pensive abstraction from the scene around her. Her wit was keen and playful, but chastened; although no one had a keener perception of humour or ridicule. Her musical talents were of the first order; she sang with exquisite taste. I think I never heard so harmonious a voice.

Among the Petrie drawings which came into the possession of the writer was one marked "A likeness of Sarah Curran", which was used as such in "The Emmet Family", but which has since been proved to be a sketch of Mr. Curran's elder sister, who bore a strong resemblance to him.

As a supplement to her work, "Some Celebrated Irish Beauties of the Last Century", Frances A. Gerard has published a volume entitled "Some Fair Hibernians", in which appeared for the first time a likeness of Sarah Curran after an oil portrait by Romney. Miss Gerard has devoted some attention to the relations of Robert Emmet with Miss Curran, and although her narrative is to a great extent a compilation, since the writer can offer no new material, he has decided to quote from her work as from the latest authority.

As is stated by Whitty in "Robert Emmet and his Contemporaries": "They met for the first time (one year before the disastrous termination of the love idyll) at the house of Mr. Lambart of Rath Castle, Wicklow.* She was barely seventeen, with a sweet, pale face, surrounded by an aureola of golden hair".†

Her refined, delicate beauty, her soft gentle voice and manner completely captivated the young patriot; he fell fathoms deep in love. "She is kind, she is lovely," he writes to Miss Lambart, "and heaven only knows how good."

Soon after the meeting at Rath Castle, Emmet became on terms of intimacy with the family of Sarah. This was only natural. Doctor Emmet had been a friend of Curran's, and the son was made welcome for the father's sake. Moreover, Curran, who was accustomed to be the centre of a group of admiring friends, who listened to his brilliant, sparkling conversation, never for one moment imagined that his daughter was the attraction that made Robert so constant a visitor. That he should be unobservant of the growing attachment between the young people was only natural, fathers and mothers sometimes being proverbially blind. That the brothers and sisters of Sarah should have

*This statement is incorrect as Miss Curran had known Robert Emmet at least by sight since her earliest childhood, as the writer has already stated.

†Miss Gerard gives in a footenote: "Another writer describes Sarah as having black hair and dark eyes (as her father had) the latter being large, soft and brilliant, capable likewise of a great variety of expressions; her aspect, says this authority, indicated reflection and personal abstraction, her wit was keen and playful, her musical talents of the first order. This last was undoubtedly the fact, but her mental gifts are exaggerated by this friendly critic."

been kept also in ignorance seems hardly credible, and a passage in Emmet's last letter to Richard Curran points to the fact that he, at all events, was to a certain extent in the secret. For the rest, Robert was not a suitor likely to find favour in the eyes of a prudent father; his youth, his want of fortune, and his well-known political opinions made him an unsuitable husband, as no one realized better than Emmet himself. "I must make myself worthy of the woman of my choice", he tells the faithful confidante of his passion, "and the glory which sheds its lustre on the husband shall reflect its splendour on the wife". Only that a deep tragedy underlies those words (the tragedy of his own life sacrificed and her youth blighted), one could laugh at this high-flown language. Like all lovers, Emmet imagined that the woman he loved was all his fancy painted her. As a matter of fact, Sarah was thoroughly unfit for the position he wished her to occupy. Gentle, sensitive, lovable, and weak in body and mind, she would in all probability have led (had Emmet never crossed her path), a peaceful life as the wife of some country gentleman, far from the struggle and excitement of passion, and content with her home and her children. That in the first chapter of the romance she did not respond to Emmet's violent passion, but rather shrank from it, we hear from his own account written before his death.

"I received no encouragement whatever", and, later on, "she told me she had no attachment for any person, nor did she seem likely to have any that might make her wish to quit her father".

After this rejection Emmet went to Paris, and there sought to distract his mind from love and politics. Both passions were, however, too strong for him, and, against the advice of his friend, Lord Cloncurry, who made the most strenuous efforts to detain him, he returned to Ireland instead of sailing to America to join his brother, Thomas Addis.*

A sort of infatuation led him at once to the Lambarts, where he found Sarah, sweet and lovely as before. His confidante, Miss Lambart (whose share in the miserable story was culpable in the extreme), gave him hopes. The lover, however, confessed he "saw no progress of attachment on Sarah's part, nor anything in her conduct to distinguish me from a common acquaintance".

It was only when the clouds began to gather round her lover, and that he stood in need of sympathy, that the girl's gentle nature seemed to have been touched with pity. "I had reason to suppose", writes Emmet, "that discoveries had been made, and that I should be obliged to quit the kingdom immediately. I came to make a renunciation of any approach to friendship that might have been formed. I then for the first time found when I was unfortunate, by the manner in which she was affected, that there was a return of affection, and that it was too late to retreat".

These simple words are touching and condone in a measure Emmet's culpability in entangling so young a creature in his miserable fate. Still, he cannot be justified in his subsequent conduct. The danger of discovery (if it ever existed) blew over, and Emmet remained to rivet with still stronger chains the heart of the poor girl to his. With the assistance of Miss Lambart, he carried on a constant correspondence, and the same help contrived secret meetings for the lovers.†

Sarah in the hands of those stronger minds was malleable as wax, and the affection, which was only a spark of compassion, developed by degrees, until it quite equalled the passion he felt for her. Still not a word was said of the attachment either to her father, of whom Sarah stood terribly in awe, or to any member of the family, Miss Lambart remaining the sole confidante and means of communication between the lovers.‡

This writer, whose views as to Robert Emmet's courtship have been quoted

*This is not correct; whatever may have been the incentive for his return to Ireland it was made with his brother's approval, who did not sail for America until Oct. 4th, 1804.

†This statement is not justified by any evidence, indeed it is doubtful if even so many as half a dozen letters ever passed between them during the whole period of their engagement.

‡It is believed that Anne Devlin was the only means of communication between them.

at length, also held very pronounced views as to his plans for carrying on his revolutionary movement. She states:

In theory his plans were absolutely perfect, and had Emmet and his wild mob been possessed of common sense, success would undoubtedly have crowned their efforts. As a matter of fact, the Government was totally off its guard; the usual battalion of spies and informers seem to have been off the scent and knowing nothing, had nothing to sell.* It is clear that had Emmet followed his original plan and attacked the Castle, he would have captured it. Nothing succeeds like success. At the first evidence that the tide was turning in favour of the rebels, hundreds who were undecided would have joined the movement. As it was, the whole face of the undertaking was changed by the tragic incident of Lord Kilwarden's murder. Up to this point all had gone well. For this foul deed Emmet was in no way accountable; in fact, he only appeared on the scene when the murder was an accomplished fact . . . The insurrection so carefully planned was over in three hours . . . But, although all danger to the peaceful citizens of Dublin was over, the train of misfortune following on Emmet's ill-omened attempt was yet to come. The first shadow fell on "The Priory" on the morning succeeding the rising. Curran, as he was riding down the avenue on his way to Dublin to attend the Four Courts, saw through the trees the gleam of weapons glistening in the summer sunshine. He had heard nothing of last night's riot, and his astonishment and indignation may be imagined when Major Sirr, the officer in command of the detachment, informed him that, in consequence of information found among Mr. Emmet's papers, he had a warrant to carry into effect, that of searching "The Priory".

One can imagine with what feelings, both as a father and a public man, Curran received this sudden blow. . . . He was a prominent public character, and his intrepidity of resistance to all unconstitutional measures exposed him to the political hatred of many who would have gloried in his ruin. One of these was the Chancellor Fitzgibbon, afterwards Lord Clare, who had long hated his successful rival, and now sought to fix the odium of complicity in the rising upon Curran. In this he did not succeed. The rest of the Bar with one accord sided with Curran. The Attorney-General, Standish O'Grady, showed him the utmost sympathy, and by his orders at the trial, only a few extracts from Emmet's letters to Sarah were read in court. Previous to the trial it was necessary for him to examine the poor girl as to how much she knew of her lover's intentions. He executed this task with so much kindness that he converted an official interview into a visit of consolation, Sarah acknowledging that she had never more sensibly experienced the affection of a father . . .

That Curran should have defended Oliver Kirwan on his trial for treason, while he refused his help to Emmet, has always been cited as a proof of his implacable disposition. To use Emmet's own words:—"A man with the coldness of death upon him need not be made to feel any other coldness, and should be spared any addition to the misery he feels, not for himself, but for those to whom he has left nothing but sorrow . . . "

In a footnote on page 104, Miss Gerard records her opinion:

This personal attraction, together with his love story, has caused Emmet's memory to linger in the minds of the Irish people longer than some of their popular idols. Men who have done far more for their country than Emmet's visionary schemes would (if brought to fruition) have accomplished, are consigned to undeserved oblivion, while a tender interest still centres in Emmet, whose story has been handed down from generation to generation, and is still told by the fireside of a winter's evening. Had Emmet's sentence been commuted to expatriation, and had he married Sarah Curran, his place as a hero would have been beneath that of even Smith O'Brien.

*The evidence all goes to show that Robert Emmet was surrounded by spies to the last. Those of the Government who could have checked it at any time knew that the Emmet movement must prove unsuccessful, but it was necessary for their purpose that the people should be taken by surprise and alarmed, and it did not occur to them that the Government would be blamed.

Miss Gerard continues:

In conclusion, I must say a word as to the portrait of Sarah Curran here given, which is reproduced from the original painting by Romney, in the possession of the Honourable Gerard Ponsonby.

A lady on intimate terms of friendship with the late Henry Curran (Curran's youngest son), who held a good appointment in Dublin, saw the picture lying in a garret. "My sister Sarah, by Romney", Henry Curran told her. What became of the picture she did not know. She added that during the many years she had known Henry Curran he never but on this occasion alluded to his sister Sarah. This fact is very significant as showing how deeply the family pride had been hurt by the publicity attached to poor Sarah's unfortunate love episode.

Some thirty years ago (1863) this portrait and a water-colour sketch by Brocas, a Dublin artist, were sold at the auction of Mr. Henry Curran's effects, and both were bought by Featherstone, a well known and eccentric dealer, who likewise possessed a lock of Emmet's hair, and an original letter written by Sarah. The fact that it was from Featherstone that Mr. Ponsonby bought the portrait is conclusive evidence that it is the Romney and all good judges (including the late Henry Doyle) are convinced of its authenticity.

Washington Irving, who is said to have suffered in early life, paid a beautiful tribute to this ill-fated couple in his "Sketch Book". He has written an essay on the subject of "Broken Hearts", a classic in its style, but of too great length to quote more than that portion which is most pertinent to this subject.

He wrote:

An instance of this kind was lately told to me; the circumstances were well known in the country where it happened and I shall but give them in the manner in which they were related.

Every one must recall the tragical story of young E——, the Irish patriot: it was too touching to be soon forgotten. During the troubles in Ireland, he was tried, condemned, and executed on a charge of treason. His fate made a deep impression on public sympathy. He was so young—so intelligent—so generous—so brave—so everything that we are apt to like in a young man. His conduct under trial, too, was so lofty and intrepid. The noble indignation with which he repelled the charge of treason against his country—the eloquent vindication of his name—and his pathetic appeal to posterity, in the hopeless hour of condemnation—all these entered deeply into every generous bosom, and even his enemies lamented the stern policy that dictated his execution.

But there was one heart whose anguish it would be impossible to describe. In happier days and fairer fortune he had won the affections of a beautiful and interesting girl, the daughter of a late celebrated Irish barrister. She loved him with the disinterested fervour of a woman's first and early love, when every worldly maxim arrayed itself against him; when blasted in fortune; when disgrace and danger darkened around his name—she loved him the more ardently for his very sufferings. If then, his fate could awaken the sympathy even of his foes, what must have been the agony of her, whose whole soul was occupied by his image! Let those tell who have had the portals of the tomb suddenly closed between them and the being they most loved on earth—who have sat at its threshold, as one shut out in a cold and lonely world, from whence all that was most lovely and loving had disappeared.

But then the horrors of such a grave! so frightful, so dishonoured! There was nothing for memory to dwell on that could soothe the pang of separation—none of those tender, though melancholy circumstances, that endear the parting scene—nothing to melt sorrow into those blessed tears, sent, like the dews of heaven to revive the heart in the parting hour of anguish.

To render her heart-widowed situation more desolate, she had incurred her father's displeasure by her unfortunate attachment, and was an exile from the paternal roof. But could the sympathy and kind offices of friends have reached a spirit so shocked and driven in by horror, she would have experienced no want of consolation, for the Irish are a people of quick and generous sensibilities. The most delicate and cherished attentions were paid her by families of wealth and distinction. She was led into society, and they tried by all kinds of occupation and amusement to dissipate her grief, and wean her from the tragical story of her love. But it was all in vain. There are some strokes of calamity that scathe and scorch the soul—that penetrate to the vital seat of happiness, and blast it, never again to put forth bud or blossom. She did not object to frequent the haunts of pleasure, but she was as much alone there, as in the depths of solitude. She walked about in a sad reverie, apparently unconscious of the world around her. She carried with her an inward woe that mocked at all the blandishments of friendship, and "heeded not the song of the charmer, charm he never so wisely."

The person who told me her story had seen her at a masquerade. There can be no exhibition of far-gone wretchedness more striking and painful than to meet it in such a scene. To find it wandering like a spectre, lonely and joyless, where all around is gay—to see it dressed out in the trappings of mirth, and looking so wan and woe-begone, as if it had tried in vain to cheat the poor heart into a momentary forgetfulness of sorrow! After strolling through the splendid rooms and giddy crowd with an air of utter abstraction, she set herself down on the steps of an orchestra, and looking about for some time with a vacant air, that showed her insensibility to the garish scene, she began with the capriciousness of a sickly heart, to warble a little plaintive air. She had an exquisite voice; but on this occasion it was so simple, so touching, it breathed forth such a soul of wretchedness, that she drew a crowd, mute and silent, around her, and melted every one into tears.

The story of one so true and tender could not but excite interest in a country remarkable for enthusiasm. It completely won the heart of a brave officer, who paid his address to her, and thought that one so true to the dead could not but prove affectionate to the living. She declined his attentions, for her thoughts were irrevocably engrossed by the memory of her former lover. He, however, persisted in his suit. He solicited not her tenderness, but her esteem. He was assisted by her conviction of his worth, and her sense of her own destitute and dependent situation, for she was existing on the kindness of friends. In a word, he at length succeeded in gaining her hand; though with the solemn assurance that her heart was unalterably another's.

He took her with him to Sicily, hoping a change of scene might wear out a remembrance of early woes. She was an amiable and exemplary wife, and made an effort to be a happy one; but nothing could cure the silent and devouring melancholy that had entered into her very soul. She wasted away in a slow and hopeless decline, and at length sunk into the grave the victim of a broken heart.

Since August, 1795, there have appeared from time to time in "Notes and Queries" a series of questions and answers relating to Sarah Curran. The following is taken from the 10th series, Vol. III, p. 303, April 22nd, 1905:

Recently I saw the original inquiry of Francesca, who quotes from "Irish Pedigrees" (John O'Hart), but I wonder upon what authority Mr. O'Hart has stated, in referring to "the love letters from Sarah Curran to Robert Emmet", that "Major Sirr of 1798 memory" found them "so pathetic that he says he wept over them".

Mr. H. Gerard Hope quotes from "Ireland in '98" (compiled by Daly from Madden's "United Irishmen", and suggests an examination of the "truculent major's" papers in the library of Trinity College, Dublin, to verify the declaration that Miss Curran's correspondence was burnt by Major Sirr some years before his death.

The use of the extremely misleading epithet "truculent", derived from Madden, is

a sufficient warning that statements concerning Major Sirr do indeed require verification. An interesting anecdote with which Madden's autobiography (Memoirs of A. A. Madden, London, 1891) opens, and which ought to have appeared much earlier in "The United Irishmen", shows that "truculent" was not borne out. The "Dictionary of National Biography" should suffice to satisfy the general reader. Indeed Madden in this anecdote admits that Major Sirr's consideration possibly saved the lives of both the autobiographer and his mother.

The note at the foot of a letter among the Sirr Papers in the library of Trinity College, Dublin, bears out Mr. Daly's declaration as to the fate of the correspondence between Miss Curran and Emmet. I give a copy of the letter and of the note. The initials J. D. S., are those of Major Sirr's eldest son, the Rev. Joseph D'Arcy Sirr, D.D. Doubtless this note was Mr. Daly's authority:

"From Rt. Hon. W. W. Wickham on arrest of Miss Curran, at the Lord Chancellor's, Friday 2 p. m.

"DEAR SIR:

"I lament exceedingly the circumstance of Mr. Curran's absence from his country house on your arrival there, and am much distressed to learn the state of Miss Curran's mind as described in your letter.

"I think it better, on the whole, that you should leave the house and return without delay to town. It is probable that Mr. Attorney General will be with you as soon as this letter, but in any case I think you had better come away, leaving Miss Curran to the care of her sister.

"Yours very truly,
"WM. WICKHAM."

Major Sirr.

"One letter from Emmet (found in Mr. Curran's House) was torn into fragments immediately upon my father's visit. They were preserved and with great care reunited. The atrocious sentiments it expressed were all but diabolical. Never was such tenderness shown to any one as this unfortunate and misguided lady. I saw the correspondence between her and Emmet tied up and sealed, in six or seven immense piles, and occupying a space of about a yard square. They were afterwards deliberately consumed out of compassion to the family. Never was such a correspondence carried on between lovers. Projects of domestic peace were all subordinated to those of public massacre and wrong. In one letter the poor maniacal woman gloated with satisfaction at the prospect of seeing her father hung from a tree in his own orchard." J. D. S.

I believe I have seen it stated that Curran never forgave his daughter for bestowing her affections on Emmet.

H. SIRR.

In the 10th Series, Vol. IV, page 111, August 5th, 1905, "Francesca" makes answer:

I may add, on the testimony of the late Sir John Grey, that the Rev. D'Arcy Sirr had a fixed belief that all Irish malcontents were favourable to assassination, even O'Connell and the Repealers (Fitzpatrick's "Sham Squire," pp. 273-6). Also J. D. S. was not much a judge of character, for he left on record his opinion that Jimmy O'Brien, the informer and murderer, was a "calumniated, honest, brave man" (Madden's United Irishmen, Vol. III, p. 515). To return to my original quest (9th S. III, 349), for MacDonagh's book does not clear up the mystery of the sealed box once in Dublin Castle, according to Mr. O'Hart, Sir Bernard Burke and Dr. T. A. Emmet. . . .

Mr. Michael MacDonagh replies as follows (10th ser. III, 470), to which, with the writer's own answer, this correspondence must be limited:

The object of my communication was to show that the correspondence between Robert Emmet and Sarah Curran, which is said to have been seized by Major Sirr and which is described by the Rev. J. D'Arcy Sirr (the Major's son) to have been of so atrocious a character that in mercy to the feelings of the girl's family it was destroyed by the authorities, never in fact existed.

The letters that passed between the Lord Lieutenant of Ireland and the House Secretary at the time, to be found in my book "The Viceroy's Post Bag," make it clear that the only correspondence between Robert Emmet and Sarah Curran that fell into the hands of the authorities consisted of the letters found on Emmet when he was apprehended and the letters that passed surreptitiously between the lovers while Emmet lay in Kilmainham Gaol awaiting trial, which are also fully set out in "The Viceroy's Post Bag."

MacDonagh also refers to Sirr's report of his visit to Curran's house, in which he states that during the confusion caused by the hysterics of Sarah Curran, into which she was thrown by his sudden appearance in her bedroom, her brother and sister succeeded in burning in the breakfast room downstairs whatever compromising documents were in the house, and that therefore no papers fell into his hands.

Surely, therefore, continues MacDonagh, I am justified in assuming that no correspondence ever existed, and that the statement of the Rev. J. D'Arcy Sirr, that Sarah Curran, in this imaginary correspondence, gloated over the prospect of seeing her father hanged from a tree in his own garden by the revolutionaries, is a cruel aspersion on the unhappy girl's memory.

The writer's reply is as follows:

Mr. Michael MacDonagh has been more than charitable towards the Rev. Mr. Sirr, who beyond question was guilty of a malicious and deliberate falsehood, for which the plea of being mistaken cannot be offered, as he claimed to have read some of Miss Curran's letters, and in relation to the hanging of her father, quotes what he set forth as her words. He thus shows himself to have been unworthy of his profession, even for Ireland in the day of the Penal Code, and to have been a satellite of the Rev. Bishop Beresford and his like. Miss Curran was too well known and her sincere love for her father to the end, notwithstanding his treatment of her, was too generally recognized to need any defence.

The writer was responsible for first calling attention to the large sealed box of papers in the Record Office of St. John's tower, Dublin Castle, in a letter written to Mr. O'Hart before the publication, in 1898, of the author's work, "The Emmet Family", wherein its history is given. Mr. O'Hart neglected to state the source of his information, when he published the contents of the writer's letter, after having visited the Record Office, where the writer was known, and showing his letter in support of a request that the box might be pointed out to him, which was done without comment. On reading in his book the statement that this box contained, together with the Emmet papers, the love letters of Robert Emmet and Miss Curran, the writer supposed that this information had been obtained by O'Hart from Sir Bernard Burke. But it was afterwards ascertained that O'Hart was alone responsible for this statement in reference to the love letters. Sir Bernard Burke claimed to have seen only the official papers connected with the outbreak in 1803, in the regular routine of his office in Dublin Castle, together with a number of papers con-

nected with the household of Dr. Robert Emmet and his son, Thomas Addis Emmet, taken from their residence in Stephen's Green, Dublin, on the arrest of Mr. Emmet. There exists, therefore, no foundation for the statement of O'Hart and others that this box contained anything more than what the writer has just stated.

When John P. Curran was a young man and until the arrest of Thomas Addis Emmet, the two were intimate, and Curran was a frequent visitor at the house of Dr. Emmet. Robert Emmet, in his last letter to his brother, alludes to the fact where he writes: "I was attached to Sarah Curran, the youngest daughter of your friend, &c." But after the arrest and imprisonment of T. A. Emmet, the intimacy between the two families ceased. When Robert Emmet was a student of Trinity College at the age of fifteen, tradition has it that he then greatly admired Sarah Curran, who was at that time about ten years of age. After leaving Trinity and finding himself under the espionage of the police, he went abroad and was absent during the period when Miss Curran developed into womanhood.

But in his letter to Madame de Fontenay, written before his return to Ireland, in the autumn of 1802, he tells of the existence of tender ties which he might be called on to forget. In his letter to Mr. Curran, written just before his execution, Emmet shows that previous to the outbreak in July, 1803, he was not engaged to Miss Curran, and that nothing more existed between them, so far as she was involved, than an ordinary, friendly, speaking acquaintance.

When in the course of a chance interview she requested him to observe her father's wishes and discontinue his visits, he received from her no evidence of regret. It was only after a price had been placed on his head and during a surreptitious visit, a few days before his arrest, that she found out the condition of her own feelings towards him and they became engaged. Therefore, the whole correspondence between them becomes narrowed down to not more than five or six short letters and several communications of a few words on strips of paper, and Anne Devlin was the only one known to have delivered any messages between them.

Providence sent the potato blight, but England made the famine.

John Mitchel.

admired in the land of Paoli, while she was free from the objections that might be urged against his favourite island.

'A people prepared to receive republicanism should not be wealthy, frivolous, or ignorant: they should be temperate, virtuous, and brave; they should love justice, religion, and their country; and should have recently experienced the sufferings of oppression. Such are the people of Ireland. But these circumstances would only prepare the nation to receive a good government—there are others requisite to enable them to procure it; and these are disposition, numbers, and geographical position. Ireland has these: the people are anxious for a revolution, are able to effect it, and have all the aid that an isolated country, intersected with a thousand natural barriers, and strengthened by numerous defiles, can give a native and patriotic soldier over a foreign mercenary.

'If ever a nation were ripe for a revolution, Ireland is. She has no wealth to neutralize her energy, her domestic enemies are insignificant, and there exists not a monarch either in power or in exile who can lay claim to her allegiance. Her oppressors are invaders, to whom she bears an hereditary hatred; and the people are unanimous in favour of a republic. Religion too lends its powerful aid; and long-continued insult stimulates the people to take revenge upon their tyrants. There is a retributive justice in the world—slavery is not immortal; and, when freedom is deserved, it is found. Switzerland emancipated herself from Austria—the Netherlands from Spain; and Ireland will separate from England, as sure as the ripe fruit drops from the autumnal bough. The slightest commotion will effect it, for the fulness of time is at hand.'

'But even the benefits you anticipate,' said I, 'from the independence of Ireland, are not to be acquired in opposition to the obligations of religion, which command all men to be subject to lawful authority.'

'You are right,' he replied; 'all men should submit to lawful authority, but no authority can be lawful but that of which the people approve. "Shaking off a power," says Locke, "which force, and not right, hath set over any one, though it bear the name of rebellion, yet is no offence before God, but is even allowed and countenanced by HIM; though even promises and covenants, which were obtained by force, have intervened."

'That we might not misunderstand what he means by speaking of force, the same illustrious philosopher previously observes—"Who doubts but that the Grecian Christians, descendants of the ancient possessors of the country, may justly cast off the Turkish yoke, which they have so long groaned under, whenever they have an opportunity to do so? No government can have a right to obedience from a people who have not freely consented to it; which they never can be supposed to do, till they are put in a full state of liberty to choose their government and governors."

'Or,' said the Exile, '"at least, till they have such standing laws, to which they have, by themselves or their representatives, given their free consent." I believe that is the conclusion of the passage.'

'Admitted,' replied Emmet; 'but recollect what Locke says elsewhere of *free consent*, which can never be supposed to exist until subjects are free to give consent. "The people," says he, "owe no obligations whilst force, and not choice, compels them to submission." If he had written on the state of Ireland, his words could not have been more applicable.

'The truth is,' continued Emmet, 'Christianity does not abrogate a single law of Nature; and, though popes have sometimes attempted to dictate the civil duties of mankind, they usurped an authority not delegated by their Master; for we have a high authority* for saying, that Christianity has, in respect of civil rights, left us where she found us.'

* 'We affirm that, as to the extent of our civil rights and obligations, Christianity has left us where she found us; that she hath neither altered nor ascertained it; that the New Testament contains not one passage which, fairly interpreted, affords either argument or objection, applicable to any conclusions upon the subject, that are deduced from the law and religion of Nature.'—PALEY.

REPRODUCTION BY ANNA FRANCES LEVINS

A page from the London and Dublin Magazine, 1825, containing "Robert Emmet and his Cotemporaries"

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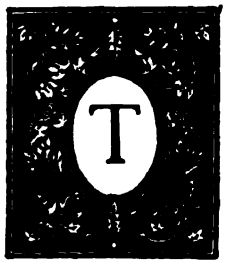
TILDEN FOUNDATIONS

The Insurrection of 1798 was excited by the artifices of Mr Pitt to promote a Union.
Barrington.

Chapter XXVI

Papers on Emmet by Godfrey K—— N.—Real author known later to be Michael James Whitty—"Mr. Herbert's" meetings with Robert Emmet—Books Emmet studied and annotated—Quotations from Whitty and Locke—Whitty's estimate of Robert Emmet from personal observation—His truthfulness and general high character—His enthusiasm and utter unselfishness—Was for a republic in Ireland—England's policy then became active—Rising of 1798 hastened to prepare way for the Union.



HERE appeared in the "London and Dublin Magazine" for 1825 eight papers* bearing the title of "Robert Emmet and His Contemporaries," over the nom de plume of "Godfrey K —— N".

These papers were also published under the title of "The Rebellion Book and Black History", and as "The Emmet Papers".

In the preface to the publication in book form in 1870, the editor writes:

The publisher of the magazine admitted the papers embodied the story, the thoughts and the conversations of Robert Emmet. The commercial spirit was not, of course, abandoned in the project and perhaps a small sensation was anticipated. The expectation was, to a great extent, fulfilled. . . . Popularity of the papers, so immediately acquired, excited in Ireland at least, considerable curiosity as to their authorship.

The authorship was attributed to a number of persons, but until within a recent date the name of the author remained unknown. Although many questioned their authenticity, every one possessing the necessary knowledge admitted that these remarkably well-written papers were so characteristic of Emmet's style of writing, and so in keeping with the views he so often expressed that it was more than probable the author was, as he claimed, one who had been most intimately associated with Emmet.

In time it became known that Michael James Whitty, the editor of the "London and Dublin Magazine" in 1825, was the author of the papers as first printed,

*In 1879 Dr. Madden presented the writer with his copy of these papers in pamphlet form, constructed by him at the time of publication by pasting the pages back to back, so as to form a continuous narrative. As a title page the Doctor wrote:

"A very remarkable series of articles (eight in number) published in the 'London and Dublin Magazine', for 1825 (London, Robins & Co., in 4 volumes), professing to be written by a confidential associate of Robert Emmet, and certainly written by some person who was well and intimately acquainted with Robt. Emmet and his prospects in 1803. It has been ascribed to Judge Johnson, and also to Thomas Furlong, the poet, and probably was written by the latter from material furnished to him by Malachy Delany, a member of the Society of United Irishmen, a refugee who returned to Ireland and died in Drumcondra in 18— where Thomas Furlong also died and is buried."—Richard Robert Madden.

and also of the volume which appeared in 1870 as a "Life of Robert Emmet". Some changes had been made in the latter by cutting out portions not immediately connected with Robert Emmet's career, so that it appeared as practically a new book.

The author states in the first chapter:

> I was engaged in what was called the "Emmet Rebellion" in 1803. I knew Robert Emmet well, yet my acquaintance with him began and terminated in two months. My experience, although brief, was eventful.

Whitty's mother was an Irishwoman and his father an Englishman, living in England. The son knew but little of his Irish relations, and on reaching manhood, in accordance with his mother's wish, he visited Ireland to see his uncle's family, and in this way became acquainted with Robert Emmet, whom he knew at first as "Mr. Ellis". In the papers, Whitty designates himself as "Mr. Herbert". The work is well written, and contains much which is of the greatest interest concerning Robert Emmet.

Whitty, after meeting Emmet day after day for several weeks in the country, finally met him in Dublin; he wrote:

> I met my my young friend, Mr. Emmet. With that kindness which characterised him, he seized my hand, gave it a friendly squeeze and then inquired if I had dined. Being answered in the negative, he took my arm, and after walking through several by-streets, he led me into an obscure tavern and ordered dinner in a private room. I have seldom spent a happier hour in my life than I did that evening with Emmet.
>
> His manner, his eloquence and the sincerity as well as the kindness which breathed through every thing he said, banished all reserve on my part and we conversed more like long tried friends, than casual acquaintances. . . . Before we separated he made me promise to call on him that night at his lodgings.

Whitty (as Herbert) states:

> Next morning I proceeded to Dublin. I did not meet my friend Emmet until about 8 o'clock in the evening. At that hour he was on his way to one of his depots and I accompanied him.
>
> In a house recommended by its secluded and uninviting situation, were about a dozen men at work; some busy making cartridges, while others were casting bullets; some fabricating rockets, and others making pikes. The heaps of muskets and other warlike weapons scattered about served to inspire a feeling of awe in the gloomy mansion of incipient treason, singularly contrasted with the thoughtless levity depicted upon the half intoxicated countenances of those engaged in preparing the instruments of death.
>
> Four or five days subsequent to this I was in the constant habit of meeting my friend Emmet and his associates. With the exception of Captain Russell, these were not remarkable either for rank or talents; *but most of them appeared uncommonly zealous in the cause* [possibly as paid spies acting their part]; and such of them as were delegates from the distant provinces drew the most encouraging picture of general preparation. They represented the peasantry as everywhere ripe for revolt and named several persons of consequence who only waited for an opportunity of declaring for a republican form of government. Emmet seemed confident of success; and in the anticipation of triumph, we spent several nights discussing the best method of securing independence after the overthrow of the government. Our plan of operation being now before the public, it is

quite unnecessary to state it here. It must be admitted that in drawing it up Emmet displayed considerable military skill.

Dr. Madden possessed several works which had belonged to Robert Emmet, and all of them had been annotated. One of these was a "History of the Seven Years War", thus showing he had studied every line with care. Madden wrote in relation to these books:

One may plainly see that the reader had passed days and nights in the study of these works, and one may thereby judge of the nature of the pre-occupation in which from his youth, Robert Emmet was absorbed.

The writer has in his possession a copy of "An Essay Containing the True Original Extent, and the End of Civil Government", by John Locke, Esq., published in London, &c., 1728, which belonged to Robert Emmet, and "The Second Treatise", constituting the greater part of the book, has been annotated by him, so that the margins of the four sides of a page, in many instances could not contain an additional word. According to tradition this work by Emmet was done before he reached his fifteenth year, just before he entered Trinity College. Emmet is credited with making a number of quotations from this book which represented his own views, while he noted in the margin the points which he was unwilling to accept. Whitty could not have known of Emmet's familiarity with Locke, nor what portion of the text he accepted, unless he heard the quotations made, or had free access to Emmet's annotated copy. As Emmet had cultivated an extraordinary memory, it was possible for him to have made the quotations with fair accuracy, but how did Whitty succeed in doing so? As this incident is the strongest proof of his close relation with Robert Emmet, several of the passages will be reproduced below, showing the quotations claimed to have been made by Emmet and the same from the text as given by Locke.

"Herbert" described a walk with Robert Emmet on a certain occasion out to his lodging place in the country:

We were now within view of Rathfarnham; and turning up a secluded lane with hedges on each side, we knocked at the door of a respectable, but a solitary looking house. We obtained immediate admission [unless he had been specially informed, he could not have known that Emmet provided for the immediate admission of friends by the mode of knocking] and we found our friend waiting for us, in a room, badly furnished. After dinner the conversation, as usual, took a political turn.

After discussing many points, Mr. Emmet replied:

"You are right, all men should submit to lawful authority, but no authority can be lawful but that of which the people approve".

The following quotations show from what source Emmet imbibed the idea contained in his reply, and also how accurately Whitty reproduced these quotations.

WHITTY

(As given in the "Life of Robert Emmet", page 138.)

Shaking off power, which force, not right, hath set over every one, though it bear the name of Rebellion, yet is no offence before God, but is even allowed and commanded by Him; though even promises and covenants, which were obtained by force have intervened.

That we might not misunderstand what he means by speaking of force, the same illustrious philosopher observes:

A continuation from WHITTY

Who doubts but that the Grecian Christians, descendants of the ancient possessors of the country, may justly cast off the Turkish yoke which they have so long groaned under, whenever they have an opportunity to do so? No government can have a right to obedience from a people who have not freely consented to it; which they never can be supposed to do, till they are put in a full state of liberty to choose their government and governors.

LOCKE

(From the text of this author, page 274, paragraph 196.)

And not Right hath set over any one, tho' it hath the Name of Rebellion, yet is no offence before God, but is that which He allows and countenances, tho' even Promises and Covenants, when obtained by Force have intervened.

(From LOCKE, page 271 and 272, paragraph 192.)

Who doubts but the "Grecian" Christians, descendants of the ancient Possessors of that country, may justly cast off the Turkish Yoke which they have so long groaned under, whenever they have an opportunity to do it? For no Government can have a Right to obedience from a People who have not freely consented to it; which it can never be supposed to do; till either they are put in a full state of Liberty, to choose their Government and Governors.

To continue the discussion:

Or, said one of the guests present, at least till they have such standing laws, to which they have by themselves or their representatives, given their free consent.

Admitted, replied Emmet, but recollect what Locke says elsewhere of free consent, which can never be supposed to exist until subjects are free to give consent. "The people", he says, "owe no obligations whilst force, and not choice compels them to submission".

If Locke had written on the state of Ireland, his words could not have been more applicable.

For years the author remained in doubt as to the claims of Whitty in connection with Robert Emmet. The story, as published in 1825, was padded with the account of frequent religious discussions, in which Emmet was always represented as taking part.

He treated the subjects in a most charitable manner, but the course was unlike Emmet, who like his brother, Thomas Addis, never questioned any man's religious belief. When the work was recast from that published in 1825, and issued under the title of a "Life of Robert Emmet", this objectionable material was to a great extent removed.

It is difficult to understand that among the frequent quotations made from Locke, "Herbert" never made a mistake, and more remarkable still, he nowhere gives any portion of a passage which Emmet had annotated, showing

'Shaking off power,' says Locke, 'which force, and not right, hath set over every one, though it bear the name of rebellion, yet is no offence before God, but is even allowed and countenanced by HIM; though even promises and covenants, which were obtained by force, have intervened.' That we might not misunderstand what he means by speaking of force, the same illustrious philosopher previously observes—'Who doubts but that the Grecian Christians, descendants of the ancient possessors of the country, may justly cast off the Turkish yoke, which they have so long groaned under, whenever they have an opportunity to do so? No government can have a right to obedience from a people who have not freely consented to it; which they never can be supposed to do, till they are put in a full state of liberty to choose their government and governors.'"

"Or," said the traveller, "'at least, till they have such standing laws, to which they have, by themselves or their representatives, given their free consent.' I believe this is the conclusion of the passage."

"Admitted," replied Emmet; "but recollect what Locke says elsewhere of free consent, which can never be supposed to exist until subjects are free to give consent. 'The people,' says he, 'owe no obligations whilst force, and not choice, compels

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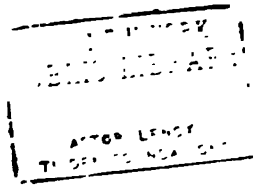
A page from Whitty's Life of Robert Emmet, to show the accuracy with which Robert Emmet was quoted



he had not accepted the teaching. It seems incredible, even had "Herbert" as good a memory as Emmet possessed to aid him in making quotations from Locke, that he never made any mistakes as to Emmet's quotations or gave any part Emmet had not accepted. "Herbert" might have quoted thus accurately if he had at one time seen Emmet's copy of Locke, but for reasons to be given later this seems hardly possible. Had he been able to do so, it would have fallen into the hands of the police at the time of Emmet's arrest, for he was too sanguine of success to have appreciated any necessity for its destruction, as he showed by retaining the Proclamation and other papers on which he was condemned. These circumstances give truthfulness to "Herbert's" statement that he was with Robert Emmet, and the only explanation for the accuracy of the quotations is that "Herbert" at once reduced to writing what he heard Emmet say.

This book, written by Locke, was one of a number which belonged to Robert Emmet while he was on the Continent, and all were left behind on his return to Ireland in the autumn of 1802. They were the same concerning which his brother, in a letter to Dr. Macneven, dated Nov. 8, 1802 (given in Vol. I), makes inquiry and asks to be forwarded to Ireland. These books were packed by Robert Emmet himself on the eve of his departure from France, and the box was left at "Casino", after the death of Dr. Robert Emmet, and when the house was closed early in 1803. This box of books, which had in all probability remained unopened, together with some household furniture, was sent from Ireland in 1805, at the time the younger sons of Thomas Addis Emmet joined their parents in New York. "Herbert" states, in Whitty's "Life of Robert Emmet", that he was with the latter two months, so these quotations were made early in June, as claimed.

At that time "Casino" and the houses of Dr. Robert Emmet and his son in Stephen's Green, Dublin, had long been rented or sold. The foregoing proves that it was extremely unlikely for "Herbert" to have seen Emmet's copy of Locke.

Whitty, without entering into special detail in any part of his narrative as printed in 1825, made known for the first time many little items of great interest, the value of which would hardly be appreciated, except in a truthful story based on personal observation. Dr. Madden appreciated their value, and was the first writer to call attention to them many years ago, and their occurrence has been fully confirmed by the more recent publication of Byrne's Memoirs, a man who was with Robert Emmet at the same time and was on equally friendly terms.

Many of the incidents given by Whitty could have been collected from the printed evidence as brought out on Emmet's trial, and at those of others, had their value been appreciated. For those accustomed to examine written evidence, it is not difficult as a rule to detect the bogus material, as it shows a certain degree of hesitancy, very different from the straightforward manner which always accompanies a truthful recital, and in no class of evidence is this more marked than among the Irish people.

After taking into consideration everything known in connection with this interesting little work, the writer has gradually become impressed with the belief that Michael James Whitty was, as he states, intimately acquainted with Robert Emmet and his undertaking; and all the circumstantial evidence indicates that he has given a truthful narrative of his experience in connection with Robert Emmet.

The "Emmet Papers", as published in the Dublin Magazine, were the first systematic sketch of Robert Emmet. Whitty wrote:

> Twenty years have elapsed since I committed the egregious folly of joining a conspiracy against the government of this mighty empire. The events of the few weeks of my acquaintance with Robert Emmet and its results are as enduring in my memory . . . all that was brilliant about him brightens, as it were, in my very soul; and I will own, silly as it may be, that I feel pride in being connected with these fearful proceedings—brief but tragical; and although they were fatal to my young friend, they serve as a lesson beneficial to his country and the government.
>
> The personal appearance of Robert Emmet was pleasing rather than commanding. The immaturity of his youth still hung about his figure. His form was, in every particular, perfect; nothing was exaggerated, and his features when in a state of repose, were marked but not attractive. His face bore an exact resemblance to that of the south-west of Ireland; it was long; and his nose was somewhat prominent, indicative, it was thought, of great energy. When he spoke his countenance became instantly interesting. His voice was clear, distinct and very agreeable. When he was a little excited, his eyes became excessively animated. His manner indicated his intimacy with refined society. He was fluent but very correct. Even on subjects the least interesting there was an incipient flow of enthusiasm about him, and it was this earnestness which rendered him most persuasive; but it was impossible to hear him even on ordinary subjects without being convinced that there was a deep meaning in all he said. Educated under circumstances which imposed caution and anxiety on his parents, he was excluded in a great part, if not wholly from what is called a knowledge of the world. The atmosphere of disloyalty had thickened over the country when he was born. It exercised a treasonable influence on his youth, and he listened no doubt at his father's table and among the companions with whom he associated to the reasoning which, in the absence of discussion and contradiction established the fact that Ireland ought to be a republic and would have been a republic if the people would combine in a national effort to throw off the power of England. That was the opinion of his brother Thomas Addis Emmet. It was the opinion of O'Connor, the friend of his brother; of Napper Tandy, Lord Edward Fitzgerald, and above all of Wolfe Tone.

In this manner has Irish history been garbled from the beginning. The association of United Irishmen was organized to have the abuses in Parliament corrected, the existence of which were not questioned, and in addition, to obtain religious freedom for the Catholics; a large majority of the people who were not of that faith held it to be a matter of justice and a necessity to advance the prosperity of the country. England, in her determination to drive the Irish people to the outbreak of 1798, that Pitt might accomplish the so-called "Union", did not wish to have the people of Ireland either prosperous or contented and there was no alternative left in the last resort but for the people to look forward to an entire separation of the two countries. The testimony under oath of Thomas Addis Emmet before the Irish Parliamentary Committee, as the chief leader among the United Irishmen, was selected for

over them but by their own Consent, whatever he may drive them to say or do; and he has no lawful Authority, whilst Force, and not Choice, compels them to Submission.

§ 190. Every Man is born with a double Right: *First*, A *Right of Freedom to his Person*, which no other Man has a Power over, but the free Disposal of it lies in himself. *Secondly*, A *Right* before any other Man, *to inherit* with his Brethren his *Father's Goods.*

§ 191. By the first of these, a Man is *naturally free* from Subjection to any Government, tho he be born in a place under its Jurisdiction. But if he disclaim the lawful Government of the Country he was born in, he must also quit the Right that belong'd to him by the Laws of it, and the Possessions there descending to him from his Ancestors, if it were a Government made by their Consent.

§ 192. By the second, the *Inhabitants* of any Country, who are descended, and derive a Title to their Estates from those who are subdued, and had a Government forced upon them against their free Consents, *retain a Right to the Possession of their Ancestors*, tho they consent not freely to the Government, whose hard Conditions were by Force imposed on the Possessors of that Country. For the first *Conqueror never having had a Title to the Land* of that Country, the People who are the Descendants of, or claim under those who were forced to submit to the Yoke of a Government by Constraint, have always a right to shake it off, and free themselves from the Usurpation or Tyranny which the Sword hath brought in upon them, till their Rulers put them under such a Frame of Government, as they willingly and of choice consent to. Who doubts but the *Grecian* Christians, Descendants of the antient Possessors of that Country, may justly cast off the *Turkish* Yoke which they have so long groaned under, whenever they have an Opportunity

portunity to do it? For no Government can have a Right to Obedience from a People who have not freely consented to it; which they can never be supposed to do, till either they are put in a full state of Liberty, to chuse their Government and Governors, or at least till they have such standing Laws, to which they have by themselves or their Representatives given their free Consent, and also till they are allow'd their due Property, which is so to be Proprietors of what they have, that no body can take away any part of it without their own Consent; without which, Men under any Government are not in the state of Freemen, but are direct Slaves under the Force of War.

If he had a Right to the same this gives him an absolute Power over the People

§ 193. But granting that the *Conqueror* in a just War has a Right to the Estates, as well as Power over the Persons, of the Conquered; which, 'tis plain, he *hath* not: Nothing of *absolute Power* will follow from hence, in the Continuance of the Government. Because the Descendants of these being all Freemen, if he grants them Estates and Possessions to inhabit his Country, (without which it would be worth nothing) whatsoever he grants them, they have, so far as it is granted, *Property* in. The Nature whereof is, that *without a Man's own Consent* it *cannot be taken from him.*

§ 194. Their *Persons* are *free* by a native Right, and their *Properties*, be they more or less, are *their own, and at their own dispose*, and not at his; or else it is no *Property*. Supposing the Conqueror gives to one Man a thousand Acres, to him and his Heirs for ever; to another he lets a thousand Acres for his Life, under the Rent of 50 *l.* or 500 *l. per Ann.* Has not the one of these a Right to his thousand Acres for ever, and the other, during his Life, paying the said Rent? And hath not the Tenant for Life a *Property* in all that he gets over and above his Rent, by his Labour and Industry during the said Term, supposing it be double the Rent? Can any one say, the

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From Locke's work, annotated by Robert Emmet, to show the accuracy of the quotations made by Herbert

examination before that body. His evidence showed that, even at that late period, the people of Ireland were opposed to a separation from England, and would have been satisfied with an honest correction of the existing abuses. Had there been a single man in connection with the management of English affairs above the capacity of an ordinary politician, uninfluenced by motives of personal gain and with some thought for the future prosperity of the British Empire, there would have been no war; over one hundred thousand lives, at the lowest estimate, would have been saved to Ireland alone; both England and Ireland would have been the gainers by a century in prosperity, and the future of both countries would have been secured.

It is claimed that at last Home Rule has been gained for Ireland. But this will be found to be incompatible with the existing form of government, under which only special parliamentary legislation, and not Home Rule, is possible. England has again tricked Ireland, leaving her unprovided with the means of future defence, which she would derive from an adequate representation in the imperial Parliament. While the Union still exists England has it in her power at any time legally to repeal the measure. Ireland has been provided with just sufficient power to make Home Rule a failure. England will control the taxes and hold every penny of revenue. God save Ireland!

Whitty states:

Emmet, full of truthfulness, of honour, of noble aspirations, concealed from himself the history of national discontents, while he had totally forgotten the events in the Rebellion which had rendered union between the Catholics and Protestants impossible.

There was witchery about my young friend which was perfectly marvellous. All who approached and conversed with him loved him. There was a kindness in his nature which forbade incredulity in reference to his views when he declared them to his chosen friends; and I say this not for the purpose of excusing the fascination which he exercised over me. It was utterly impossible not to consider his friendship a delight and honour. To inspire me with confidence was a proof of his earnestness and persuasive power; and so strong was the regard I felt for him that, as I have honestly stated, I was willing at the last moment to peril my life in proof of my friendship.

In private conversation he was perfectly charming. He was well, rather than deeply read. The poets were more familiar to him than the historians; but it would have needed a better informed man than I was to have resisted what he pre-eminently possessed —the influence of "that faculty of the mind without which knowledge is inert and learning useless". He was full of genius of the highest possible quality, of benevolence the most pure, and humanity the most conspicuous. He died as he had lived, believing sincerely in the grandeur of what he considered a great mission, and calculating on glory, whether he failed or succeeded. He was the same when in the rude temple of treason as he was when he stood a criminal in the dock, and a traitor on the scaffold. His consciousness of being right, never allowed him to falter, and his self-possession was quite as conspicuous in his speech to the judges as it was when the headsman stood beside him on the scaffold. His mind, though misled, had in it all the assured elements of greatness; and had he lived his name would have been an ornament to his country and his age.

On the night of 22nd of July [page 223] we assembled at the depot; and though everything wore a gloomy aspect we resolved to persevere. The different leaders received their instructions; some were to assemble their forces on the Barley Fields, on the canal, some on the coal Quay; and others in different parts of the city. They were

to act only in case of seeing a third rocket, which Emmet was to send up when he considered the time had arrived for the commencement of hostilities. Emmet, Byrne, and I were to lead the forces which were to attack the Castle.

About six o'clock [page 225] Emmet, Malachy, Byrne and one or two others put on their green uniforms, trimmed with gold lace, and selected their arms. "I beg to appoint you, Mr. Herbert", said Emmet addressing me, "to an important task, now of extreme urgency. The men from the County Wicklow and Wexford are at this time assembled in Kevin-street and the adjoining. You must go there, and you will see Howlan the Oulard* boy standing opposite an hotel. Tell him to collect the men—get them ready and march direct in a body as quickly as possible to Thomas-street after he sees the third rocket fired. You are an Englishman, a stranger, and not likely to be recognized". I observed my instructions, and had no difficulty in finding Howlan opposite the hotel. On my delivering to him my message he exclaimed:—"Tatteration, the boys have not come, the blackguards have disappointed us, but a few are here and I will collect them. You had better", he continued, "run back as quickly as possible and tell Mr. Emmet to postpone the rising".

I lost not a moment in finding my way into Francis-street; but I had scarcely done so when the first, second and third rocket exploded in the air. The hour has come, I thought to myself; and I ran as fast as I could in order to render all the aid in my power to my friends. I saw a great crowd running up the street towards me.

"Fly; Emmet is killed. The day is lost". The voice was that of Malachy, but I had no time to recognize his features, for he ran forward with the crowd.

"Herbert" was recognized by some of his uncle's family who had a house in town; he was taken and soon escaped to the country, where he met Emmet and availed himself of an opportunity to cross to France, which his friend Emmet had declined, returning to Dublin to see Miss Curran. "Herbert" entered the French army, and after several years was allowed to return to Ireland.

He concludes his narrative, before making reference to his own future, with the expression:—

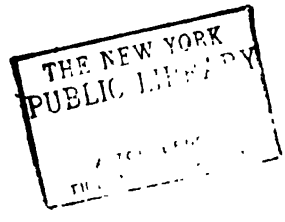
The amiable, though enthusiastic Emmet, however, I hope has not died in vain; our rulers must learn from his history that a people without confidence, is a moral Hydra, never to be deprived of the means of doing mischief. The head of one rebellion is no sooner lopped off than another is generated. The Hercules, who is to annihilate the monster, can only be found in that act of wisdom and justice which is to reconcile the people to their rulers, by making them freemen.

The fate of Robert Emmet demanded something more than tears, and as these may have been, I have continued to offer them still to his memory. But let my private sorrows pass; history one day will do him justice, I have thrown my mite into the scale in which his reputation yet trembles; and, inadequate as that may be, it is sincere and impartial. All ye who knew him in "his hour of pride", go and do likewise.

*Oulart, a town in Co. Wexford, and should be spelt with a final t. The mention of the place where this boy came from, while not essential under the circumstances, is an indication of truthfulness in stating all the facts. The fabricator in an effort to construct a plausible story, would have considered the omission a matter of no consequence, if he gave it any thought at all.

Emmet believed the "National Will" was superior to "Property Rights" and could abolish them at will; and also that he realised the producing classes could not be expected to rally to the revolution unless given to understand that it meant their freedom from social as well as political bondage.

James Connolly.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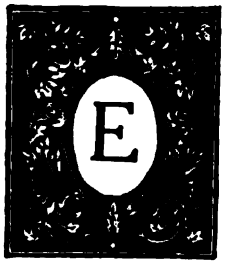
STEPHEN'S GREEN, DUBLIN, 1798

The period marked politically by Grattan's parliament was a period of commercial inflation due to the introduction of mechanical improvements into the staple industries of the country.

James Connolly.

Chapter XXVII

Description of St. Peter's Churchyard—The Emmet burial place—Search for Family vault fruitless—Popular opinions concerning Robert Emmet's last resting place—Rev. P. Carroll's letter to Dr. Madden—Uninscribed tombstone in St. Michan's Graveyard—Report of an exhaustive effort made in Dublin, July, 1900, to determine what disposition was made of Robert Emmet's body after execution—Mr. Francis J. Bigger, Mr. Fuller, church architect of Dublin, Mr. Quaid, solicitor and Rev. Stanford F. H. Robinson, assistant curate of St. Peter's assist in research—Details of work done—Unable to find slightest trace or clue—Emmet Family vault in St. Peter's Churchyard completely obliterated, and together with every other vault covered with cement and earth—Grave in St. Michan's definitely shown not to have been Emmet's—Curious explanation of uninscribed gravestones—Mural tablet with inscription to Christopher Temple Emmet placed in St. Peter's—Dr. Madden's account of what was done in 1836 to discover disposition of Emmet's remains—Kinsella's "Memoir of Robert Emmet" states remains were buried in St. Anne's Churchyard with his parents—No conclusion possible amid conflicting statements.



EARLY in 1788, and just before the birth of Robert Emmet, the family gave up their residence in Molesworth Street, Dublin, and established themselves in West Stephen's Green and Lamb Lane, near the corner of York Street. The church of that parish was St. Peter's fronting on Aungier Street. According to a map used by "The Wide Street Commission", between 1790 and 1800, the shape of the land plot of the churchyard may be described as an oblique truncated parallelogram. Aungier Street, on the east side, ran north and south. Its north boundary line formed a right angle and extended to St. Peter's Row, or White Friars Street on the west, which latter thoroughfare, running from northwest to southeast, shortened the length of the south boundary line greatly in comparison with that of the north wall, with which it was parallel. St. Peter's Church at that time occupied the middle third of the ground plot, in the form of a parallelogram, from east to west, with the addition of an incomplete transept extending nearly to the north boundary wall. Subsequent to 1860 a similar addition was made to the south side of the church to complete the cross. At one period, along the outside of the south wall of the churchyard ran Church Alley, from Aungier to White Friars Street. This is now built over. In the southeast

corner of the churchyard, at the angle of Aungier Street and Church Alley, extending back upon the church property for twenty-two feet stood a watch, or guard-house. This building was used before the beginning of the last century and was removed about 1830.

The Emmet burial place, or family vault was situated in this churchyard, but no map is known to be in existence by which the exact spot can be ascertained. The only indication is given by Dr. Richard R. Madden in his work, "The Lives of the United Irishmen", in the second edition of which, published just previous to 1860, he records the death and burial of Dr. Robert Emmet as follows:

> Dr. Emmet died at Casino, near Milltown, (outside of Dublin) in the autumn of 1803. He was buried in the graveyard of St. Peter's Church in Aungier-street, on the right-hand side of the entrance close to the wall on the south side.

He also states that the tomb or vault had the following inscription:

> Here lie the remains of
> Robert Emmet, Esq., M.D.
> Who died the 9th of December, 1802
> in the 73d year of his age.

Mr. Fitzpatrick, in the "Sham Squire", is the only other authority on the location of this burial place. He simply states that it was situated in the southeast corner of the churchyard.

In 1880 the writer failed to find not only this tomb, but any other, in St. Peter's churchyard. He ascertained on inquiry that all the tombstones had been removed some years before, but were yet preserved, and that several feet of earth had been placed upon the surface of the ground to raise it to the level of the street in front. The tombstones after removal and after the filling in of the yard, had been placed in piles along the west boundary wall. These were carefully examined at the time of the writer's visit, but no trace of any bearing the name of Emmet was found. As the inscribed stone found by Dr. Madden, marking the Emmet vault or tomb, was a flat one, lying horizontally over the entrance, it was inferred by the writer then that this was not removed with the others, but was merely covered over when the ground was filled to the level of Aungier Street and back to White Friars Street.

The tombstones examined in 1880 are now secured upright against the outer walls of the church; one of them is laid in the floor of the recently built portion of the transept on the south side, as though to mark the vault or grave covered by that portion of the church; but in the absence of any plan among the church records which might have been used as a guide to the removal and placing of the tombstones in their subsequent positions, we must infer that the latter was decided at haphazard, and with complete indifference as to the rights of the living or the dead.

On the approach of the centenary of the death of Robert Emmet, the writer was urged, through letters received from all parts of the world, to initiate, as the representative of the Emmet family, an effort to discover the

place of his ancestor's burial. Before placing on record what has been accomplished in furtherance of this object, it is necessary to place before the reader, in detail, some circumstantial evidence which has for a longer or shorter period been known and more or less accepted by the present generation of the family in regard to the manner and place of burial of Robert Emmet. Everything relating to the life and death of his grand-uncle possessed for the writer an intense interest, even from his earliest childhood, and throughout a period when he was in full and frequent communication with his father, his grandmother, Mrs. T. A. Emmet, his uncles and aunts who had known personally their kinsman, Robert Emmet, and who must have been familiar with all the circumstances of his death and burial.

Although the writer cannot recall ever hearing the subject of Robert Emmet's burial discussed by any contemporary member of the family, the impression received by him at that period and long maintained was that his ancestor had been buried in an uninscribed grave, as was his explicit wish, which had been carried out by his body being placed in his father's vault. No doubt was ever cast, so far as the writer knows, upon this assumption until all those who had any knowledge of the subject had passed away. The existence of the family burial-place in St. Peter's churchyard was known to every member of the family before the publication of Dr. Madden's work, and it was equally well known that several of the younger children, as well as Christopher Temple Emmet, the eldest son, were interred there before the death of their father, Dr. Robert Emmet; that the body of the mother of Robert was placed there but a few days before his execution, and that his sister, Mrs. Robert Holmes, dying a year later, was also buried with her parents. It must also have been known later to the children of Thomas Addis Emmet that at the time of their uncle's execution every male member of his family, near relative or connection was dead, in exile or in prison, so that in consequence of this and the disturbed state of Ireland, it was impossible at the time to place his body in the family vault. But after the release from prison of Robert Emmet's brother-in-law, Mr. Robert Holmes, and Mr. John Patten, the brother of Thomas Addis Emmet's wife, it is presumable they would have made every inquiry. It is well known that the Rev. Thomas Gamble, a connection of the family, and assistant curate of St. Michan's Church, who had attended Robert Emmet at his execution, had the disposition of the body after he had removed it from the gatehouse of Potter's Field, Dublin, on the night of the execution. It cannot be supposed that Mr. Holmes, who was a man of great prominence and living for over fifty years in Dublin after that event, remained ignorant of its disposition. Nor is it possible that, had there been any doubt in the minds of the relatives in New York, that Robert Emmet's body had not been finally placed at rest with his father and mother, the fact would not have been freely discussed. This was before the death of his brother, Thomas Addis Emmet, when no reason for secrecy existed any longer. All the facts must have been known to at least ten members of the family, the last of whom did not die until the writer had passed middle age.

No one now living knows when the body of Robert Emmet was removed from the receiving vault of St. Michan's Church, where it is believed to have been placed by Mr. Gamble. But it is known that Robert's sister, Mrs. Holmes, was interred in the family vault in St. Peter's about a year after her brother's execution, and for some unexplained reason this interment took place at a late hour in the night. Why could it not have taken place, according to the usual custom, publicly and in daylight? Is it not a natural inference, in the absence of any other reason or plausible theory for so unusual a procedure, that the same hour and place were chosen for the removal also of her brother's body and for its final interment in the family tomb? The lateness of the hour and the darkness combined would have made feasible the transference of Robert Emmet's body and its secret burial.

At the time of the writer's last visit to his old friend, Dr. Madden, of Dublin, in the summer of 1880 he was impressed with the possibility that Robert Emmet's body lay in the Protestant cemetery at Glasnevin. He yielded to Dr. Madden's opinion on account of the latter's thorough and extended study and investigation of the subject, but since his death the writer has come to realize many things not understood at the time. On the occasion of his visit the doctor had reached an extremely old age, his mental faculties had become greatly impaired, and he seemed to have forgotten facts which in earlier life he had accepted as proved. At that time he gave the writer several letters, one of which, written many years before, was from the Rev. Patrick Carroll, rector of the Protestant parish church of Glasnevin, in answer to an inquiry of Dr. Madden's. Dr. Carroll, in this letter, stated that in his efforts to clean up the churchyard, on taking over the parish, he had set upright a number of headstones which had fallen and encumbered the walks, and that he recollected personally removing the stone, which is now popularly supposed to mark the grave of Robert Emmet, from the other side of the churchyard and placing it in its present position, in order to get it out of the way. Dr. Carroll's statement may be taken for what it is worth and the probabilities are that he was truthful in his statement, as will be shown hereafter.

In St. Michan's churchyard on the left side going from the church down the central pathway, there is an uninscribed, flat tombstone, which has for many years been regarded as covering Robert Emmet's grave. For some years past this grave has been cared for and protected from desecration by Mr. J. F. Fuller, of Dublin, who is a distant connection of the family of Robert Emmet's mother, the Masons, of Kerry.

At the beginning of the investigations about to be described no one doubted that full proof would be found in one or the other of these three situations to designate the actual place of Robert Emmet's burial.

Chiefly upon the representation of Francis J. Bigger, Esq., of Belfast, and the recently published work of David A. Quaid, Esq., on Robert Emmet, and Mr. Fuller, the church architect of Dublin, the writer took the first steps in these investigations. These gentlemen kindly undertook to obtain the necessary permits, and particularly through the efforts of Mr. Quaid, solicitor of

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Dr. Thomas Addis Emmet, visiting for the first time in 1830 the claimed grave of Robert Emmet, in the Protestant Parish Churchyard, Glasnevin

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St. Peter's Church on Aungier Street, Dublin, where the Emmet burial vault was placed

Dublin, all arrangements were perfected by July 4th, 1903. At any early hour on Monday, July 6th, 1903, in the presence of Messrs. Bigger, Quaid, Fuller, the Rev. Stanford F. H. Robinson, assistant curate, Robert Emmet, a son of the writer, and the writer himself, a wide trench was dug toward the west, along the south wall of St. Peter's Churchyard. This excavation was extended from the foundation of the old guard-house for twenty-eight feet beyond the supposed site of the Emmet vault in the southeast part of the yard. In this distance a vault was uncovered eight feet long by eight and a half feet wide, with the tops of two brick graves, which were unopened. As far as the excavation extended, along the south wall of the enclosure and in line with the east wall of the new portion of the transept and almost to the south wall of the church, a concrete surface was exposed about eight inches in thickness. This seemed to have been spread over the original surface of the yard, after the headstones and footstones had been removed, and upon it the earth had been filled in, increasing in depth towards the west. The top of the vault found was ten feet west of the foundation of the guard-house, projecting above the concrete and the top was near the present surface of the ground. This vault, which occupied the supposed situation of the Emmet vault, was opened at both ends after the removal of the concrete and earth which covered the remains of a flight of stone steps. The vault contained four coffins in a fair state of preservation. On two of these were coffin plates bearing different names, and from the dates inscribed, it is probable that they were the last buried before the prohibitive law went into operation. It was undoubtedly the receiving vault of the church. Nothing in connection with the Emmet family was found throughout a careful search of five days, during which an excavation was also made along the south wall of the church to the right of the entrance on that side. At different points openings were made in the concrete surface and the ground in every direction probed and sounded, by means of an iron crowbar, to the depth of several feet.

It was demonstrated by these means that the single vault found was the only one existing in that portion of the churchyard. In no instance were the remains of any grave disturbed or even approached with the crowbar within four or five feet. Throughout these operations one or more of the gentlemen mentioned above was always present to superintend the work. So far nothing had been discovered to show that Robert Emmet was not finally buried in the family vault in this churchyard, but if Dr. Madden's description of the locality of the vault in its relation to the present entrance of the church is correct, and if Mr. Fitzpatrick's statement is true, that it was located in the southeast corner of the churchyard, or more properly in that relation to the guard-house which formerly occupied that situation, the fact is then clearly established that the Emmet vault and others, if they existed in that neighborhood, had at some later period been demolished and filled in. The only other hypothesis is that both Dr. Madden and Mr. Fitzpatrick were wrong in regard to the locality they both ascribed to it. What disposition was made of the large flat inscribed stone which marked its site and covered the opening to the vault in Madden's time? If it

had been left *in situ* and the top of the vault covered over, this stone would have been found above the concrete by the use of the iron crowbar.

We must, therefore, assume that the vault was deliberately destroyed or its contents were removed and deposited elsewhere. In connection with this the fact is noteworthy that this closing stone of the vault is not to be found among the hundreds of others already referred to, which are carefully preserved even to the pieces which in many places had been broken off.

The present church has a large entrance at the back, or west side, which according to the recent testimony of a number of persons did not exist in the old church.

Before the present church was altered, White Friars Street on the west side was much above the level of the churchyard. Therefore, the present main entrance to the church would have been very awkwardly placed, and, if it existed, could only have been reached by a series of steps. It is an interesting circumstance, that if we assume that Dr. Madden had reference in his description to an entrance then existing on the west side, it is in reality the only spot where the locality would be termed "along the south wall" of both the enclosure and of the church. At the same time, it would also be to the right both of an entrance from the street and to the church. Therefore, it was still possible that the Emmet vault was located in the southwest portion of the enclosure, along the south wall of the churchyard, and also of the church.

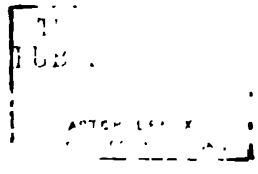
At this point in the investigation, further search in St. Peter's churchyard was suspended until the necessary permission to extend the excavation along the whole south wall of both the church and enclosure could be obtained from the church authorities. The extreme degree of courtesy already shown by them throughout the investigation made the hope a plausible one that this would also be granted.

In the meanwhile, to save time and avoid possible future delays, the uninscribed grave in St. Michan's churchyard, already referred to, was opened August 1st, in the presence of Messrs. Quaid, Fuller, Sir Lambert H. Ormsby, President of the Royal College of Surgeons, Ireland, of 92 Merrion Square. Dublin, and Alexander Fraser, Professor of Anatomy, of 18 Northbrook Street, Dublin.

In this grave the remains of two bodies were found. First that of a girl of about thirteen years; below at the depth of six feet, that of a man which, after a careful examination of his skull and jaw bones had been made by the surgeons present, was pronounced by them to have been at least seventy years of age at the time of his death. The cervical vertebræ were perfect, and the length and size of the thigh-bone was that of a very tall and powerful man. Robert Emmet was neither. After a thorough examination the bones were replaced and the grave filled in.

This discovery proves beyond conjecture that Robert Emmet was not buried in this grave which had been for so long a time described as his.

In this connection it may be of interest to those who do not know the fact to state that formerly in Ireland it was the custom always to place an unin-



This wall stands over the supposed
site of the Emmet Family Vault.
which was apparently removed to
make room for the foundations of new Transept.
Thomas Addis Emmet, M.D. of New York, and
other members of the Family have had this brass
placed here.
A.D. 1908.

REPRODUCTION BY ANNA FRANCES LEVINS

MURAL TABLET PLACED IN ST. PETER'S CHURCH, DUBLIN

scribed stone as a marker on the grave of a woman who had borne a child out of wedlock. The writer saw several of these stones in this graveyard, and it was not unlikely, as it was a bare place, that the stone over the excavated grave was placed there from somewhere else, and that it did not mark the place of burial of the remains of the girl found there, as women seldom, if ever, mature in Ireland at so early an age.

A thorough investigation was subsequently made by Messrs. Quaid and Fuller of every other portion of St. Peter's Churchyard, as well as that part covered by the transept, and which was being refloored at the time, but without being able to locate the family vault. But under the transept a headstone was found which had marked the grave of Christopher Temple Emmet, Robert Emmet's eldest brother, and who in all probability was buried in close proximity to his father's vault. Until this stone was found it was supposed, in accordance with tradition, that Temple Emmet's remains were deposited in the family vault. As nothing was found but this headstone, on which was also inscribed the name of an elder sister, it is possible that the remains of both may have been disinterred and placed in the father's vault when it was subsequently built, and the headstone was likely buried where it was found on filling in the empty grave.

It was thought advisable by Mr. Fuller to mark the locality where this gravestone of Christopher Temple Emmet was found, and in accordance with this determination the gravestone was inserted in the wall on the west side of the transept, and above it was placed a large brass mural tablet with the inscription:

> **This wall stands over the supposed site of the Emmet Family vault which was apparently removed to make room for the foundation of the new transept. Thomas Addis Emmet, M.D., of New York, and other members of the family have had this brass placed here A.D. 1908.**

There must here be placed on record the thanks of the Emmet family to Mr. J. F. Fuller, of Dublin, and a full appreciation of his good taste in designing the tablet, in having it put in place, and for his supervision of the investigation under the floor of the transept.

To obtain permission from the vestry of the church to place this memorial, it was necessary to substitute on the tablet the term *removed* for the proper one, *destroyed*.

A Dublin paper states:

> The present representative of the family, Dr. Thomas Addis Emmet of New York, and his sons have borne the cost of this memorial. The armorial bearings are beautifully done in correct heraldic colours, and at the four corners of the brass are the emblems of the four Evangelists. The lettering is raised and on a dark background instead of being simply incised. The ornamental margin is done in Celtic ornaments brought out in colour.

The family vault had evidently been destroyed, filled in, and covered over with cement so that its locality could never be identified.

The supposed grave of Robert Emmet in the Protestant churchyard at Glasnevin was also investigated by David A. Quaid, Esq., but nothing was

found to the depth of eight feet, thus corroborating the statement made by the Rev. Dr. Carroll, that the headstone did not mark a grave, but had been placed there by him to get rid of it.

Dr. Madden writes:

In 1836, I sent Leonard, the old gardener of Dr. Emmet, to George Dunn, the gaoler of Kilmainham, to ascertain how the remains of Emmet had been disposed of after their removal from the place of execution. George Dunn sent me word that the body was conveyed to the gaol, and placed in the outer entry of the prison, with orders, if not claimed immediately by the friends of Emmet, to have it interred in "Bully's Acre," the burying-ground, also called the Hospital Fields, where the remains of paupers and executed criminals were commonly interred, but where, in ancient times, those of illustrious chiefs and warriors were buried. Dunn stated that notwithstanding his orders he kept the body for several hours, expecting it would be claimed by the friends of the deceased. The only surviving friends who were connections of Robert Emmet were then in gaol, with the exception of one, Dr. Powell, who was married to a cousin of Emmet, a young lady of the name of Landon. His associates or acquaintances who had fortunately escaped being involved in the general ruin which had fallen on so many of his friends, were afraid at that time to let it be known they had any acquaintance with Emmet—consequently none came forward, and the remains were at length buried beside the grave of Felix Rourke, near the right-hand corner of the burying-ground, next the avenue of the Royal Hospital, close to the wall, and at no great distance from the former entrance, which is now built up. While the body lay at the gaol, a gentleman from Dublin, whose name Dunn did not mention, came there and asked permission to take a plaster cast of the face of the deceased, which was granted. That gentleman, circumstances will show, was Petrie the artist.

Dunn further stated, what I was already aware of—that the remains of Robert Emmet, soon after their interment at Bully's Acre, were removed with great privacy and buried in Dublin. Dr. Gamble was said to have been present, or to have assisted in carrying into effect the removal.

But where they were removed to, no positive information is to be obtained. Mr. Patten remembers to have seen the man who removed the body from Kilmainham; and the impression on his mind is that the reinterment took place in Michan's churchyard, where the Sheares were interred.

Mr. Patten, in reply to an inquiry of mine in 1846, respecting the place of burial of Robert Emmet, wróte to me as follows:

"When I was liberated from Kilmainham gaol, I could not find out where he was buried, but I have heard that his remains were brought to Michan's church vaults from Bully's Acre, where they were first interred".

In August, 1859, I applied to Mr. Patten for further information about the burial-place of Robert Emmet, when he gave me the following account of all the circumstances he could remember which had been brought to his knowledge.

Mr. Patten says he was arrested some weeks previous to the death of Robert Emmet and was confined at first in the house of one of "the State messengers", named James Poyle, in Great Ship-street. At the expiration of some weeks he was removed to Kilmainham gaol, the day after the execution of Robert Emmet, and was allotted the room called the guard-room in which poor Robert had passed the last night of his existence. He remained confined in that room for several weeks, and was removed from it to a cell in the upper part of the prison. It was no time for asking questions of the gaol officials about executed persons. He learned nothing from them about the disposal of the remains of Robert, but the morning of the day after the execution, while he was yet at the house of the messenger in Great Ship-street, Mrs. Patten (his mother), came to him and told him that the porter of Mr. William Colville (his uncle), and himself (Mr. Pat-

ten), for they were then in partnership, carrying on business at the Bachelor's-walk, told her that he had buried Robert's remains—that he had taken them from the prison in Kilmainham, where they had been taken after the execution, and had buried them in Bully's Acre, which place was also called the Hospital Fields. The porter's name was Lynam. He was a very trustworthy and truthful person; he left two sons (boys) when he died. Subsequently Mr. Patten heard the body was removed to St. Michan's.

Leonard had the same impression, and some information has been given me, corroborative of it, from a very old man, a tailor, John Scott, residing at No. 4, Mitre-alley, near Patrick-street, who made Robert Emmet's uniform and that of some others of the leaders. This man informed Leonard that Emmet was buried in Michan's churchyard, and that soon after a very large stone without any writing on it was laid over the grave.

On the other hand, it has been stated in a small publication entitled "A Memoir of Robert Emmet," by Kinsella, that the remains were brought to St. Anne's churchyard, and buried in the same grave where his parents were interred.

Dr. Madden in a footnote at this point wrote:

The latter part of the statement is untrue; the parents of Robert Emmet were not buried in St. Anne's churchyard; moreover, there is no entry in the burial records of that church of any interment in the year 1803 of a person of the name of Robert Emmet.

A mistake through forgetfulness might easily be made between St. Peter's and St. Anne's church as to the place of burial of the parents, but the statement, if it could be corroborated, is of value to prove that at some time Robert Emmet's body was finally placed in the family vault.

One fact seems established, that the supposed remains, a few hours after the execution, were placed in the receiving vault under St. Michan's church, and beyond this we have no knowledge. The natural supposition to be drawn, however, is that Emmet's remains were subsequently removed and deposited finally in the family vault. After they had been placed in St. Michan's vault there could have existed no reason for ever disturbing them for any other purpose than to place them with those of his family.

This is all that can be stated on the subject, after placing on record that the Emmet family vault was subsequently destroyed and its contents scattered, never to be identified until the day of Judgment. Mr. John Patten, though a most estimable man, was at the same time so modest and retiring in his nature, that the writer can easily understand that he, after making inquiries as to the burial place of his friend, Robert Emmet, might have ceased his efforts with the first difficulties. But Mr. Holmes was a man of affairs, trained by his profession as a lawyer to investigate, and would certainly not have ceased his efforts until he had gained his object. Therefore, it is to be presumed that he had full knowledge of the disposition of Robert Emmet's remains, and that this knowledge was shared with the family of his brother-in-law, Thomas Addis Emmet, in New York.

The writer's investigations have uncovered an incident in the family relations which is an enigma. Under no circumstances, within the range of the writer's knowledge, had Mr. John Patten and Mr. Robert Holmes the slightest connection or relation with each other after the death of Dr. Robert Emmet. The estrangement between these two gentlemen seems to have existed in some degree from the beginning of their connection with the Emmet family.

If such was the case, Mr. Patten would have remained ignorant of any knowledge acquired by Mr. Holmes, and as Mr. Patten seemed to have shared with his sister, Mrs. Emmet, a dislike to letter writing, he would never have learned anything from his American relatives, as the writer cannot recall hearing that he ever wrote to any of them.

Another circumstance the writer has never been able to explain is that Dr. Madden seems to have had no acquaintance with Mr. Holmes, and makes no mention anywhere in his work of having ever sought information from him, nor has the writer any knowledge that Dr. Madden ever made inquiry of the older members of the family in relation to the burial place of Robert Emmet.

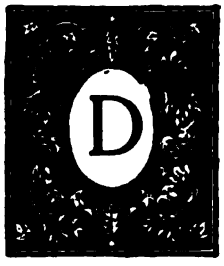
The Emmet conspiracy—the aftermath of the United Irish Movement of 1798,—was even more distinctly democratic, international, and popular in its sympathies and affiliations than the latter.

James Connolly.

The Catholics in general, particularly the poor, had long entertained a rooted wish for separation, which they considered as synonymous with national independence.
T. A. Emmet.

Chapter XXVIII

Continuation of research for grave—Investigation by Mr. Fuller in 1905—His first letter to the author—Remarkable suggestion about Dr. Trevor, Physician to Kilmainham Prison—Mr. Fuller satisfied remains will be found where he indicates—Joint report of Sir Lambert W. Ormsby and Professor Alec Fraser—Mr. Fuller's second letter to author reiterates firm conviction that Robert Emmet's remains are in Trevor vault—Conclusions of author—Remains either in Emmet family vault or in Trevor vault—Present evidence favors either conclusion—No possibility at present of arriving at a definite decision.



URING August, 1905, certain information reached Mr. J. F. Fuller, which prompted him to make an investigation of a body found in a vault under St. Paul's Church, which was claimed to be the remains of Robert Emmet. His investigation was of great interest and hereafter may prove most valuable. Without being able to form any opinion whatever on the traditional evidence presented by Mr. Fuller's information, it would require but a trifling corroboration from some other source to establish a complete chain of circumstantial evidence to prove that at last the remains of Robert Emmet had been located.

Mr. Fuller's report deserves to be placed on record in this work, in fact it would be incomplete without it. Therefore, Mr. Fuller has complied with my request in the following letters:

DUBLIN, 15 February, 1913.

DEAR DOCTOR EMMET:—

I had resolved to write no more on the subject of your recent letter to me; but, on receipt of that letter, I felt that I must comply with your request.

The first document which I will recall to your recollection is my report headed:—

SEARCH FOR EMMET'S REMAINS

DISCOVERY IN ST. PAUL'S CHURCH [NORTH KING ST.]

DEAR DOCTOR EMMET:—

Acting on the hint thrown out by Mr. Barnett, former Sexton of St. Paul's Church, and in accordance with your expressed wish, I resolved to open and examine the Trevor vault, the position of which he pointed out to me. The necessary permission was most kindly given by the Rector and Church Officials.

Work was begun at an early hour in the morning, and from the position of the Church, it was carried out without attracting notice. The excavations were done by Mr. Barnett and the present Sexton, Mr. McClean. I permitted Mr. J. Reynolds (whose name will be familiar to you) to enter the vault at the same time as myself, he having asked for permission to do so. I found piled against the wall, behind the front coffins, several others in a more advanced state of decay, one containing a leaden shell and all apparently having been upholstered in cloth. On the top of these I found a rough coffin of the common kind such as would be provided in Workhouses or by the Crown for its victims. This contained the remains of a headless body, the place of the head having been filled up with shavings, some of which were adhering to the bones of the neck, and which crumbled away on being touched. This wooden shell had given way on the inside next the wall in consequence of which some of the bones had fallen among those of other persons, and could not, with absolute certainty, be indentified as belonging to the upper body. There remained, however, the greater part of the skeleton, which I did not disturb till Professor Fraser and Sir Lambert Ormsby arrived to investigate. Their report I append. You will see that it confirms the theory as to identity. Robert Emmet was 25 years of age when he was done to death; was about five feet eight or nine; and, after being hanged was taken down, placed on a common deal table, and his head cut off.

When the vault was opened I telegraphed to our mutual friend Quaid, but he was unable to come to town, and I could not take the risk of keeping it unclosed for any time. He is, of course, in no way pledged to my theory.

Dr. Trevor was, as you are aware, Physician to Kilmainham. It is a matter of history that he embraced Robert Emmet as the melancholy procession started for the place of execution; and he took from the hands of the doomed youth the two last letters written by him, promising to deliver them to the persons to whom they were addressed. This promise he violated, handing them over to the Government Authorities. It will naturally be asked—why should such a man (whom Madden characterises as an informer, a tryant, and a spy) afford a resting place to the bones of Emmet in the Trevor Vault? It is a well known fact that the body, after having been put into a temporary grave by the side of Felix Rourke in Bully's Acre, was exhumed. John Patten, Emmet's near relative, states that he knew the man who removed it. The head was given to Petrie, from which he made the plaster cast now in the National Gallery.* There were no relatives to claim the body; and the one person who may be presumed to have the final disposal of it was Trevor. He was a State Official, then about 36 years of age, ambitious, and anxious to curry favour, and push himself into the good graces of the Crown. There is no doubt that the Government apprehended trouble from the very excited state of the public mind, and from the feeling which was aroused among the populace by the butchery in Thomas Street the authorities would be naturally anxious to hide away the body in as secret a manner and place as possible. What better spot could be suggested than this very vault? And surely Trevor was a man willing enough to permit its use to serve his own interests. I should be glad to think that a touch of conscience combined with a feeling of compassion instigated the man to give sepulture to the remains of this hapless love child of Erin, but the other motive appears to be more likely to have had weight with the Doctor. Either motive would to my mind sufficiently account for the fact of the remains being found where they are. A theory has been broached to the effect that the decapitated body may have been that of some member of Lord Downshire's family (Trevor Hill) put to death for treason, but a prolonged search in Office of Ulster King At Arms has failed to support it or even to show any connection between the two families. The burial of Elizabeth Trevor in 1795 and of Susan Trevor in 1799 are recorded in the register, and the last interments were the Doctor, his wife and his son, Major Arthur Trevor.

*Now in the possession of the writer. The one in the National Gallery is a replica, as has been shown elsewhere.

The only conclusion, to my mind, is the one which I have drawn. I am myself satisfied that the bones of Robert Emmet are those which I have collected together and placed in a box at the right hand side of the vault.

The delay in furnishing you with the above particulars has been caused by the absence, first of Professor Fraser and subsequently of Sir Lambert Ormsby on their holidays. Though I was fully aware of the purport of their report on August 10th, 1905, I thought it better to have it in writing from them.

From time to time alterations and additions have been made to St. Paul's but on the old lines, as can be shewn by comparing maps at the City Hall of an earlier date than 1800 with the subsequent Ordnance maps (the first of which was 1847). These alterations would not in any case interfere with vaults which are inside the Church and extend under the floors.

I remain,
Dear Doctor,
Very faithfully yours,
(Signed) J. F. FULLER.

The next document I will recall to your memory is:—

THE JOINT REPORT
of
Sir Lambert H. Ormsby, F. R. C. S., Past President,
Royal College of Surgeons of Ireland,
and
Professor Alec Fraser, M. B. Mch., F. R. C. S., Professor
of Anatomy, Royal College of Surgeons, Ireland.

On Thursday Aug. 10th, 1905, at the request of Mr. J. F. Fuller, who accompanied us we proceeded to St. Paul's Church, Dublin, and entered a vault which had been opened by permission of the Rector. On entering this vault, which is built under the Church, and which we were informed belonged to the Trevor family, we discovered a headless skeleton in very good preservation, in a thin deal shell which had nearly crumbled to pieces from age, but enclosing this skeleton intact save that the skull and lower jaw were missing.

As the result of a careful examination we are in a position to state. (1) That the bones belonged to a young male of medium height, and between twenty and thirty years of age. (2) All the Cervical Vertebræ were complete, and had never ben subjected to any great violence, which is a proof that the head was not severed from the body with an axe; but whether it was cut off by an expert with a knife, a sword, or removed by other means we are not in a position to say; nor is it possible to determine whether it was removed soon after death, or fell away by the natural process of decay.

LAMBERT H. ORMSBY, Knt., M. D., F. R. C. S., Past President of Royal College of Surgeons, Ireland.
ALEC FRASER, M. B., Mch., F. R. C. S., Professor of Anatomy, Royal College of Surgeons, Ireland.

I [Fuller] may add here in reference to (2) in above report, that Doctor Madden, in his book, quotes a newspaper of July 20th, 1798, which, speaking of the brothers Sheares says:— "After hanging about twenty minutes, they were let down into the street, when the hangman separated their heads from their bodies. After the mutilation (that remnant of the judicial barbarism of former times) their remains were borne to St. Michan's Church". And he goes on to say that when he visited St. Michan's in 1842, he "examined the remains of John Sheares and, *there was no injury to the Cervical Vertebræ*". W. H. Curran in his "Sketches of the Irish Bar", 1822, describes a similar visit to St. Michan's

Church "to see the remains of the unfortunate brothers Sheares" and speaks of "their headless trunks, and the remains of the *coarse unadorned penal shells* to which it seemed necesary to public justice they should be assigned". We have the *coarse penal shell and the uninjured Cervical Vertebræ*, and the headless trunk in the Trevor Vault—which I am convinced is that of Robert Emmet; others are free to doubt.

The preceding letter was received from Mr. Fuller early in the autumn of 1905, in answer to the objection presented by the writer that these remains could not have been those of Robert Emmet, as all the bones of the neck were found uninjured. It was the popular idea that after every hanging the head was removed with an axe, but there seems no foundation to this theory beyond the fact that the former mode of execution was by decapitation on the block. There exists no instance on record of the removal of the head by means of an axe after hanging. It is true the mode of removal of the head is seldom stated, but the use of the knife is the only one ever mentioned. Mr. Fuller has had this subject under consideration with the same interest as the writer since 1905, when the question was first raised, and at length he has succeeded in settling the question beyond doubt as to the mode employed in Robert Emmet's case at least.

The reader is referred to Chapter XXII for an account of Robert Emmet's execution by an eye witness, in which is described the mode of removal of the head with a knife, instead of by means of an axe, which was generally supposed to have been used.

Mr. Fuller continued his statement:

In addition I wrote to you on the 21st of February as follows:—

"Dear Doctor:—

"I have never wavered in my conviction, that the headless remains, in the shell coffin, found in the Trevor vault are those of Robert Emmet. It is not credible that the black-hearted Doctor would have permitted the remains of any other so called "rebel" of that date to be put into his vault; but, it is easily to be understood why—to curry favour with the authorities—he would hide in it the remains of Robert Emmet. The indications of disease of the bone about which Mr. Quaid and Professor Fraser made a great point, was disposed of in a statement made by Sir Lambert Ormsby to me, that the amount of disease was so trifling as not to have interfered in any way with the physical activity of the man. Sir Lambert made the same statement to Mr. Reynolds, author of the "Footsteps of Emmet". The age, sex and height correspond. These facts were to my mind conclusive; and I deprecated any acrimonious discussion at the time, knowing that Professor Fraser was not on good terms with Sir Lambert Ormsby. I have no axe to grind; and I shall go down to my grave with the firm conviction that the remains I refer to are those of Robert Emmet. You and I need not fall out even if we disagree.

"I remain,

"Ever very sincerely yours,

(Signed) "J. F. Fuller".

I have little more to add now except in explanation of the above letter. From Professor Fraser's communication to you it was obvious to me that a bitter spirit of controversy had been introduced, which I was anxious to avoid. You remember a letter from him in which he maintained that this trifling disease of the bone proved con-

clusively the remains were not those of "your illustratious relative", who was known to be physically active; but Sir Lambert Ormsby's reply to that objection seemed to me to dispose equally of his conclusion.

Dear Doctor, Very sincerely yours,
J. F. FULLER.

The author adds his testimony, as a surgeon, and after full consideration of the evidence, that the slight injury found in the bone was not of itself proof that disease existed during life. In so dry a place as that in which these bones had remained for so long a period, a fall, or any slight force could have cracked the hard outside portion of the bone, and the spongy and fragile part would have soon disintegrated, while not the slightest amount of disease could have existed during life without needing attention. As, when first seen the bones of that leg were found to have fallen behind from a height on to the stone floor, no further comment is necessary.

The writer has two solutions of the mystery. If it were possible for human agency to accomplish it, Robert Emmet's body was certainly placed in the Emmet family vault through the influence of Mrs. Holmes.

On the other hand, if Dr. Trevor was interested in the disposition, it seems very probable that Emmet's remains now rest in the Trevor vault, under St. Paul's Church, in Dublin.

The proof as to either supposition is not known to exist, and one is as likely to be true as the other.

Mrs. Holmes, the only member of the family free from prison at the time of her brother's death, would certainly have provided for its final disposition in St. Peter's Churchyard, without reference to the fact that her death was the first opportunity presented for his burial with her own remains.

The English Government, at the time of Robert Emmet's legalized murder, was too much occupied to give thought to more than the consolidation of its power in Ireland, and Pitt's ministry would have been as likely to have given thought to the disposal of Emmet's body as to the carcass of some animal lying in one of the gutters of Dublin.

Trevor had grown rich* and no longer had any misgivings as to his relation and importance with the Government, to make necessary any further effort to curry favor. But he was a man of infinite shrewdness, and if he had imagined that by concealing the place of Robert Emmet's burial he should at some future time receive the thanks of the English Government, he would certainly have attempted it, provided he could have accomplished his purpose without difficulty. Moreover, he would have been the man of all others who would have selected his own vault for the purpose as being the last place of deposit ever to be suspected.

Should Ireland ever get the full management of her own affairs, and the

*Mr. J. F. Fuller of Dublin wrote to me May 27, 1914: "I have to-day seen Trevor's will, dated 30 August, 1836, proved 6 April, 1857. He left £12,000 to his wife, £6,000 to his eldest daughter, £4,000 to the younger, £6,000 to each of his two sons, making £34,000. There were other items which roughly brought the sum up to about £36,000! How did he, an illegitimate pauper and common soldier come by all that huge sum of money? There is only one common answer. I think this fact about his wealth should be noted. He called one of his sons Arthur Hill Trevor, which would suggest relationship to the Marquis of Downshire's family, of which relationship I don't know of any trace".

Irish and English people become sufficiently reconciled, this mystery may be solved.

Trevor held a position of unlimited power, and he could have easily deceived the men about him, and had Emmet's coffin removed from the passageway. After Petrie's departure with the head, and while Gamble had gone to get a permit, another body could have been substituted (as all the coffins looked alike), and buried in Emmet's place alongside of Felix Rourke's grave in Bully's acre, and Emmet's body could have been taken to Trevor's vault.

When Gamble returned and took away the coffin he supposed he had left in the entryway, it is not likely that it was ever again opened, and a year or more after, when it was taken to St. Peter's, with the remains of Mrs. Holmes, it could not have been identified. Under these circumstances the pauper's shell would have been placed, with its contents, into a larger and more substantial coffin. It was quite possible for Trevor thus to have disposed of Robert Emmet's body, by placing it in his vault under St. Paul's church, where it remained unknown and undisturbed.

By this substitution of one body for another it is quite possible that all have given a truthful version, from their individual experience, of the final disposition of Emmet's body, while all the time it has rested in Trevor's vault and in a receptacle unknown to all except the owner of this burial place.

Trevor was a man who never did anything without a purpose or an idea of gain. At some time some communication from him may be found which will furnish the key to the whole matter. He had no relative or acquaintance, so far as is known, whose body he would have been likely to have concealed by this method. He would have felt his own body was degraded by the association with such a victim. This would not have been the case, however, if he had known that the body was that of some important person, which could not have been placed there without his knowledge, and he would never let it remain there to be forgotten. He would have expected to have been benefited by the deed and would have placed it on record.

Mr. J. F. Fuller at a late date wrote me:

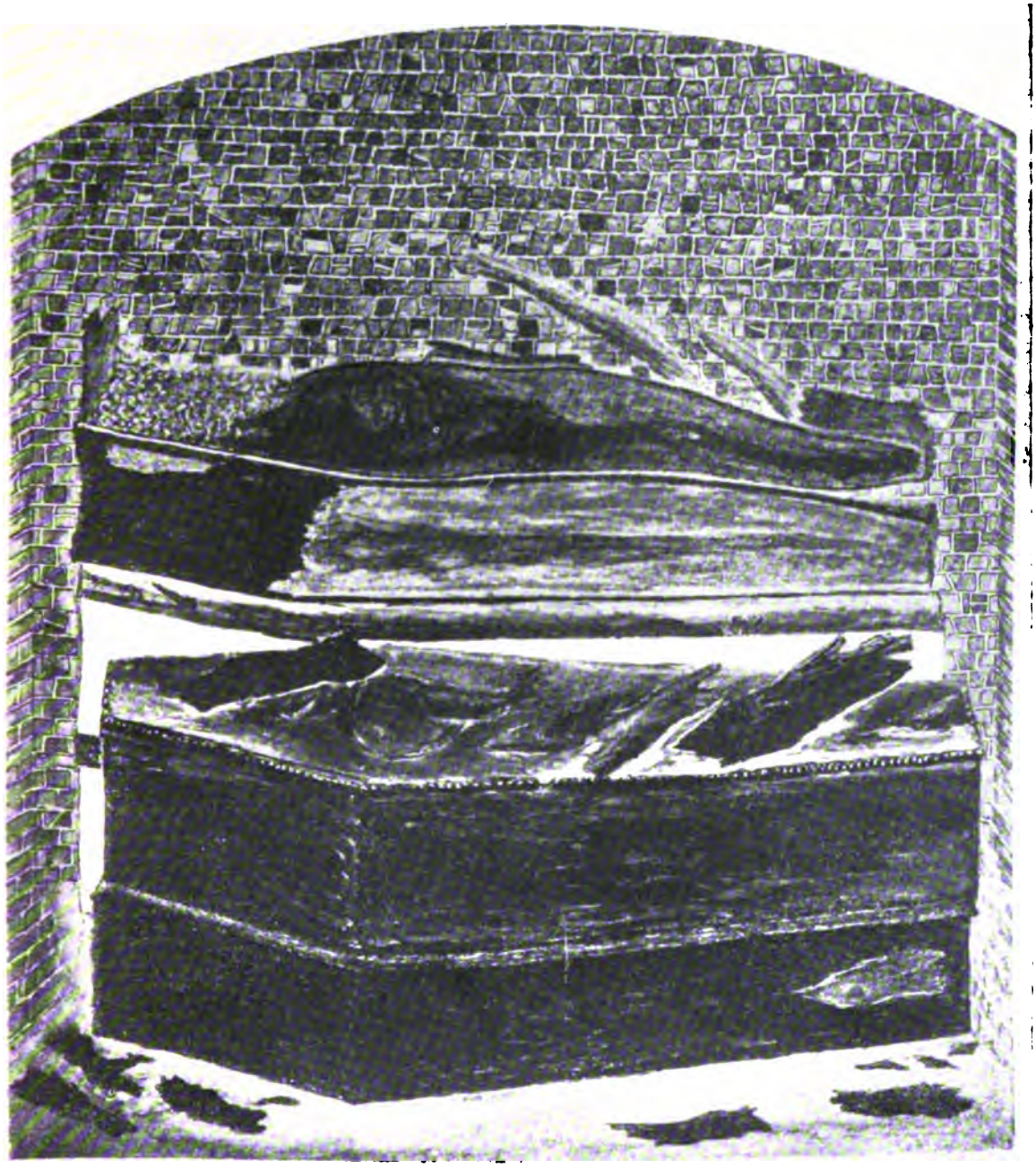
> I thought Barnett's sketch of the Trevor vault would interest you, so I got a loan of it from Reynolds for you.

Mr. Reynolds wrote:

> The photo copy of Thomas Barnett's original drawing showing the interior of the vault of Dr. Trevor, St. Paul's Church, King-street, Dublin, gives the appearance as it was when he first entered it some years previous to the time of my visit with Mr. Fuller. He found the coffins in a much better state of preservation than we did. When I saw the vault the lower coffin was more decayed and collapsed than shown in the photograph. The vault was apparently dry, but there were signs of dampness on the shavings. The large hole in the side of the bottom coffin was as shown.

This coffin was of lead, but seems not to have lasted any longer than the deal board resting on it.

Mr. Fuller wrote:



REPRODUCTION BY ANNA FRANCES LEVINS

Interior of Trevor's vault under St. Paul's Church, Dublin, showing the supposed remains of Robert Emmet

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TILDEN FOUNDATIONS

This sketch is a very good representation of things as I found them though taken several years before, except as Reynolds stated that the top coffin had crushed into the one below. Some dampness must have penetrated the brick side wall to the left, and caused rapid decay of the coffin ends containing the head without affecting the shavings placed in the top coffin where the skull was wanting. The bones of the skeleton, as shown in the shadow from part of the top of the coffin still in place are in place, but those on the side toward the wall had fallen to the floor behind. The vault was only about seven feet in width as shown by the return of the side walls, which is well drawn.

His youth, his noble patriotism, the purity of his life, and of his love have made Robert Emmet one of the favourite heroes of the Irish people.

Translation by T. M. Kettle, M. D., of L'Irlande cotemporaire by L. Paul Dubois, Paris, 1808.

The rich always betray the poor.
Henry Joy McCracken.

Chapter XXIX

Letter of Robert Southey, the Poet, on Emmet's fate—His criticism of the British government—Poem on Emmet's Speech from the Dock—Shelley's Poem on Robert Emmet's Grave—Thomas Kennedy's Poem on the same—"Emmet and Erin" by Lionel Johnson—Most graceful prose appreciations of Robert Emmet and tributes to his memory from women—Countess d'Haussonville in France; and Varina Anne Davis, the "Daughter of the Confederacy", and Louise Imogen Guiney.

OBERT SOUTHEY, the poet, wrote the following letter to John King, Esq.:*

KESWICK, September 28, 1803.

DEAR KING:—

. . . My reading has been more assiduously pursued, somewhat extravagantly in regard to the winter-stock of books before me. You would be pleased at seeing some of the odd things I fell in with in these excellent old Chroniclers, if I were near enough to avail myself of your ears.

Poor young Emmet! I knew much of him from many conversations with his most intimate friend in Dublin. He was an admirable man. God Almighty seldom mixes up so much virtue and so much genius in one, or talents as ennobled. In the last rebellion he escaped by excavating a hiding-place under the study in his father's house. There he lived six weeks, having food, books, and a light, by night going out into the Park for exercise. And thus he continued 'till he found means for escaping.

And now,—the stony hearts and the leaden heads that manage this poor world! as if the fear of death ever deterred any man from treason who could make treason dangerous! I would send Wm. Taylor this story of his hiding-place, for he, I know, will write his Eulogium in the "Iris"; but it must not be published lest some other poor fellow may now be in the same asylum. To have spared that young man's life would have indeed strengthened the government. Had they said to him—"Promise to plot no more and you shall be free", such a man would have been as safe under such a promise as in the grave. But so it is; the King has no heart for pardon; he wants goodness, and his counsellors want understanding. If they mean to extirpate disaffection in Ireland by the gallows, they must sow the whole island with hemp. . . .

Vale

R. S.

Inspired by Emmet's speech the following verses were also written by him who subsequently became poet-laureate of England.

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*"Selections from the Letters of Robert Southey"; edited by John Wood Warter, B.D., Vol. I, pp: 236-7, London, Longman, Brown, Green & Longman, 1856.

WRITTEN IMMEDIATELY AFTER READING THE SPEECH OF ROBERT EMMET, ON HIS TRIAL FOR HIGH TREASON, SEPTEMBER, 1803.*

"Let no man write my epitaph; let my grave be uninscribed; and let my memory rest 'till other times are come, and other men, who then may do me justice".

Emmet, no!
No withering curse hath dried my spirit up,
That I should now be silent,—that my soul
Should from the stirring inspiration shrink,
Now when it shakes her, and withhold her voice
Of that divinest impulse never more
Worthy, if impious I withhold it now,
Hardening my heart. Here, here, in this free Isle,
To which in thy young virtue's erring zeal
Thou wert so perilous an enemy,—
Here in free England shall an English hand
Build thy imperishable monument;
Oh! to thine own misfortune and to ours,
By thine own deadly error so beguiled,
Here in free England shall an English voice
Raise up thy morning-song. For thou hast paid
The bitter penalty of that misdeed;
Justice hath done her unrelenting part,
If she in truth be Justice who drives on,
Bloody and blind, the chariot wheels of Death.

So young, so glowing for the general good,
Oh, what a lovely manhood had been thine,
When all the violent-workings of thy youth
Had passed away, hadst thou been wisely spared,
Left to the slow and certain influences
Of silent feeling and maturing thought!
How had that heart, that noble heart of thine,
Which even now had snapped one spell, which beat
With such brave indignation at the shame
And guilt of France, and of her miscreant lord,—
How had it clung to England! With what love,
What pure and perfect love, returned to her,
Now worthy of thy love, the champion now
For freedom,—yea, the only champion now,
And soon to be the avenger! But the blow
Hath fallen, the indiscriminating blow,
That for its portion to the grave consigned
Youth, Genius, generous Virtue. Oh, grief, grief!
Oh, sorrow and reproach! Have ye to learn,
Deaf to the past, and to the future blind,
Ye who thus irremissibly exact
The forefeit life, how lightly life is staked,
When in distempered times the feverish mind
To strong delusion yields? Have ye to learn
With what a deep and spirit-stirring voice

*"The Poetical Works of Robert Southey," with a memoir, Boston, Little, Brown & Co., 1866, Vol. II, pp. 239-242.

Pity doth call Revenge? Have ye no hearts
To feel and understand how Mercy tames
The rebel nature, maddened by old wrongs,
And binds it in the gentle bands of love,
When steel and adamant were weak to hold
That Samson-strength subdued?
Let no man write
Thy epitaph! Emmet, nay; thou shalt not go
Without thy funeral strain! O young and good
And wise, though erring here! thou shalt not go
Unhonoured nor unsung. And better thus
Beneath that indiscriminating stroke,
Better to fall, than to have lived to mourn,
As sure thou wouldst, in misery and remorse,
Thine own disastrous triumph; to have seen,
If the Almighty at that awful hour
Had turned away His face, wild Ignorance
Let loose, and frantic Vengeance, and dark Zeal,
And all bad passions tyrannous, and the fires
Of Persecution once again ablaze.
How had it sunk into thy soul to see,
Last curse of all, the ruffian slaves of France
In thy dear native country lording it!
How happier thus, in that heroic mood
That takes away the sting of death, to die,
By all the good and all the wise forgiven;
Yea, in all ages by the wise and good
To be remembered, mourned, and honoured still!

KESWICK.

After some delay the writer had the good fortune to come into possession of a complete copy of all the stanzas of the poem by Percy Bysshe Shelley on "Robert Emmet's Grave",* written after his visit to Ireland. In a letter bearing the post mark of April 18th, 1812, Shelley, writing to Miss Kitchener, states:—

I have written some verses on Robert Emmet, which you shall see, and which I will insert in my book of Poems.

The heirs of Shelley, of the Esdaile family of England, after Shelley's death, lent his manuscript volume of poems to Dowden, who was writing Shelley's Life, and in Vol. I, page 268, there was printed the sixth and seventh stanzas only of this poem relating to Robert Emmet's Grave. Dowden in his preface stated that he took for his work only selected passages from Shelley's manuscript.

Whether this selection rested on his own fancy or he acted on the wishes of the family, is not known, but the whole poem was never published, nor was a copy permitted to be made. This feeling was probably due to the ignorance and prejudice which for centuries existed throughout England in relation to Ireland. As a life-long sympathiser with the suffering of the Irish people, the writer regards the permission now given to publish the entire poem as an

*For this good fortune the writer is indebted directly to Frank J. Sullivan, Esq., of San Francisco. See Appendix, Note XXII, for the correspondence in evidence of the authenticity of the copy given of the original poem with seven stanzas.

omen of good will towards Ireland, and an indication of the wonderful change which has been brought about during the past few years in Great Britain.

The letters in the Appendix, Note XXII, will show that the present owner of the Shelley manuscript, C. E. J. Esdaile, Esq., of Cothelestone House, Taunton, England, readily expressed his willingness to have the poem copied, for which the writer begs to acknowledge his sincere thanks.

SHELLEY'S

POEM ON THE GRAVE

OF

ROBERT EMMET.

[Published for the First Time as Written.]

I

May the tempests of winter that sweep o'er thy tomb,
Disturb not a slumber so sacred as thine;
May the breezes of summer that breathe of perfume,
Waft their balmiest dews to so hallowed a shrine.

II

May the foot of the tyrant, the coward, the slave,
Be palsied with dread where thine ashes repose;
Where that undying shamrock still blooms on the grave,
Which sprung when the dawn-light of Erin arose.

III

There, oft have I marked, the grey gravestones among,
Where thy relics distinguished in loneliness lay.
The peasant boy pensively lingering long,
And silently weep as he repassed away.

IV

And how could he not pause, if the blood of his sires
Ever wakened one generous throb in his heart;
How could he inherit a spark of their fires
If tearless and frigid he dared to depart?

V

Not the scrolls of a court could emblazon thy fame
Like the silence that reigns in the palace of Three,
Like the whispers that pass of thy dearly loved name,
Like the tears of the good, like the groans of the free.

VI

No trump tells thy virtues—the grave where they rest
With thy dust shall remain unpolluted by fame,
Till thy foes, by the world and by fortune carest,
Shall pass like a mist from the light of thy name.

VII

When the storm cloud that lowers o'er the day-beam is gone,
Unchanged, unextinguished, its life-spring will shine;
When Erin has ceased with their memory to groan,
She will smile thro' the tears of revival on thine.

Lionel Johnson's Tribute

THE UNINSCRIBED TOMB OF EMMET.

BY THOMAS KENNEDY.*

"Let my tomb remain uninscribed, and my memory in oblivion until other times, and other men can do justice to my character".

"Pray tell me", I said, to an old man who stray'd,
Drooping over the grave which his own hands had made,
"Pray tell me, the name of the tenant who sleeps
Neath yonder lone shade where the sad willow weeps;
Every stone is engrav'd with the name of the dead,
But yon black slab declares not whose spirit is fled".

In silence he bow'd, then beckon'd me nigh
'Till we stood o'er the grave—then he said with a sigh,
"Yes, they dare not to trace e'en a word on this stone,
To the memory of him who sleeps coldly alone:
He told them—commanded—the lines o'er his grave,
Should never be traced by the hand of a slave!

"He bid them to shade o'er his name in the gloom,
'Till the morning of freedom should shine on his tomb,
'When the flag of my country at liberty flies,
Then—then let my name and my monument rise',
You see they obey'd him—'tis thirty-three years,
And they still come to moisten his grave with their tears.

"He was young like yourself, and aspir'd to o'erthrow
The tyrants who fill'd his lov'd island with woe;
They crush'd his bold spirit—this earth was confin'd,
Too scant for the range of his luminous mind".
He paus'd, and the old man went slowly away,
And I felt, as he left me, an impulse to pray.

Grant Heaven! I may see, ere my own days are done,
A monument rise o'er my country's lost son!
And oh! proudest task, be it mine to indite
The long-delay'd tribute a freeman must write;
'Till then shall its theme in my breast deeply dwell,
So peace to thy slumbers, dear shade, fare thee well.

EMMET AND ERIN.

BY LIONEL JOHNSON.

If I were a sculptor,
From the purest marble I would hew
A figure noble—of heroic mould—
A Celtic lover to his country true,
Loathing the traitors who her freedom sold,
Sacrificing all earthly hopes and ties—
Aye, life—to win again the fame of old;
Who on the altar of his country dies;
Engraved on the pedestal in gold,
The name "Emmet".

*From the "Life of Robert Emmet," etc., by John W. Burke, second edition, Charleston, S. C., etc., 1852.

If I were a painter,
My masterpiece should tell of a nation free
In ages long gone by, sublime, reliant,
Bright jewel, brillant star of the Western sea,
Nursery of heroes and of many a saint,
Before whose mighty kings and valiant knights
The Norsemen quailed; whose spirit's still defiant,
Tho' girt in fetters and shorn of her just rights;
And underneath that picture I would paint
The title "Erin".

If I were a poet,
I would sing to the world, pathetic, touching songs
Of Erin's mournful, melting threnody of wrongs;
If I were poet, ah, the vision I should see!
Erin a nation strong again and free;
Loyal to friends and generous to foes;
Outliving peacefully her heritage of woes;
Of glory past and glory yet to be,
My every song's melodious vibrant key,
The key of "Freedom".

The most graceful tributes written in prose to Robert Emmet's memory have been the productions of the Countess d'Haussonville of France, Varina Anne Davis, "Daughter of the Confederacy", and Louise Imogen Guiney, of Maine and Boston, Massachusetts, each of whom, without special research, but through the appreciative instinct of women, so fully realized the extent of Robert Emmet's purpose and the purity of his character, as to immortalize his name throughout the world.

A French reviewer of the Countess d'Haussonville's work wrote:

The loving homage rendered to the memory of Robert Emmet by Ireland and by America, France also owed him. She owes it to him no longer. This thoughtful book, written from the heart, is worthy of the dead whom it immortalizes. The noble emotions which it arouses on every page are those that cause dead souls to live again. (Rendered in English from the French, as given in the translated edition.—Chassin in "Journal de l'Instruction Publique", March, 1856.)

Once the Irish people declare the disconnection of themselves, their feelings and interests from the men, feelings and interests of England, they are in march for freedom. Ireland must bid all whom it concerns to know that her interests are separate and her rights peculiar. She must trace her frontier with a firm hand.

Thomas Davis.

The passionate aspiration of the Irish people will outlast the British Empire.
Fergus MacLeda.

Chapter XXX

Stephen Gwynn's historical romance—Question whether Government was or was not ignorant of extent of Emmet's preparation—Quotations from Memoir of Ross Lewin—Examination of Michael Quigley—MacDonagh tells how Dowdall and Allen were only members who survived Special Commission and escaped from Ireland—Lord Hardwicke's letter about Quigley to British Minister—All prisoners released March, 1806.

VERY few persons are likely to take exception to the opinion that Mr. Stephen Gwynn, in his sketch of Robert Emmet's life, has written an account which is strictly true to history, and not a romance, as so-called history often is. Mr. Gwynn maintains that the position taken by Dr. Madden and others as to the Government in Ireland having any knowledge of Emmet's movement previous to the explosion, is untenable, and he is too close a student of Irish history for his opinion to be ignored. In "Robert Emmet" he gives, among the author's notes, what he regards as proof of his position, but according to the writer's views he only shows that the Government, as a whole, seemed to have no knowledge of what was under way, but he does not prove that the Irish Secretary was equally ignorant. This official, behind the scenes, is always the wire-puller of the puppet show at the Castle, and in all probability he was acting throughout under Pitt's direction. But he was a man of inordinate conceit, and while he knew that something was going on, English policy would have instructed him to watch, but to offer no obstruction to the undertaking, in consequence of his contempt for the Irish people and their ability to accomplish anything. He was finally overreached in his conviction of being master of the situation, of which, when the explosion came, he was doubtless as ignorant as the higher official, who had not the slightest knowledge of it.

The following is the evidence given by Mr. Gwynn from the Memoir of Ross Lewin:

There is now ample proof that the Lord Lieutenant and his Government felt themselves deeply discredited by the failure to detect and prevent Emmet's Insurrection in 1803; that the civil and military authorities were for months engaged in fierce mutual recriminations; and, in fact, that Emmet's scheme came a great deal nearer to the possibility of success than has ever been admitted.

On this point the implicit evidence of the State papers is explicitly borne out by

the following passage in a contemporary memoir, published in 1909. It was written by Mr. Ross Lewin of the 32d Infantry, and has been recently edited by Prof. John Henry Wardell, M.A., M.R.I.A., under the general title, "With the 32d in the Peninsula and Other Campaigns". Ross Lewin was with his regiment in Dublin in the summer of 1803, and this is part of his recollections:

"I came off duty on the morning of the twenty-third of July, and in the evening had retired to rest at an unusually early hour—about half-past nine—when my servant came into my room, dressed in marching order, to my great surprise. He was not less astonished at finding me in bed, for he told me that the town was in open rebellion; and that he had heard my name called on the parade, and thought I had gone with a detachment, as the greater part of the regiment had marched off already. I quickly slipped on my uniform and hurried to the parade, whence I was sent with a party to Thomas-street, which the rebels had made their rendezvous.

"At this time Colonel Brown of the Twenty-first Fusiliers had been killed while returning to his quarters, as were also Lord Kilwarden and one of his nephews; their bodies lay in the watch-house, dreadfully mangled. His Lordship was coming into town from his country-seat, to apprise the Government of a danger of which they had so little expectation. Miss Wolfe, who was in the carriage with him, was permitted to proceed unharmed by the rebels. She fled to the Castle, and made her way to the Secretary, to whom she gave the first intimation of the breaking out of the insurrection that had been received there. All who heard her laughed at the statement; one said that she was mad, another that she was in love; but a sudden rush made through the gates by the 62d Regiment put an end to their unseasonable jesting. That corps had luckily been quartered in the old custom house, a building not far from the Castle, and, on hearing what was doing, hastened without loss of time to the defence of this most important post and saved it. Had they neglected to do so, the rebels would have been masters of the Castle in a few minutes, but such an unruly rabble acted too little in concert to have any chance in carrying it when defended by a regiment".

Nothing could more fully indicate the completeness of the surprise. So much as this Emmet achieved. Beyond question his project broke down, but it was not the project of a fool. The truth is, that at a time when the ferocious measures of repression adopted in 1798 had done much to intimidate and when the evidence of treachery within the Nationalist ranks had shaken confidence, Emmet proved that confidence could be restored, that secrets could be kept, and that Ireland had not yet been cowed into submission.

The sanest and clearest judgment upon it is that which I find written in the diary of Thomas Addis Emmet, under date Sept. 17th, 1803: "The messenger, Byrne, is arrived in Paris. . . . He has given me an account of the previous proceedings of the Provisional government and of its effects on the 23rd, by which I see there was a great deal of money and talent expended on a larger and complicated plan, which perhaps would have been better directed to one single point and to a simple plan. The failure seems to show this, for it failed for want of heads and means to make the different parts support one another"!

The Government decided to direct the ability of their lawyers toward representing Emmet and his associates in a contemptible light. Wickham wrote on Sept. 11: "We are endeavouring here as much as possible to make the leaders contemptible and to represent them to the people as Traitors to the Cause and sacrificing the lower orders to their own interests". And there is a letter from the Lord Lieutenant to his brother couched in similar language. But Wickham, when expressing his own opinion, never speaks of Emmet without respect.

Emmet's principal associates who failed him cannot lightly be charged with cowardice, as their record in Napoleon's Irish Regiment proves. Dowdall was killed in a small action upon the Scheldt; Allen accompanied the regiment to Spain,

and in 1810 led a storming party on to the breach at Astorga, held his position through the night with a handful of men and to the amazement and delight of Junot, under whose very eyes the feat had been performed, was found living at the dawn. Promotion for these Irish officers was limited to their own regiment; a Frenchman with Allen's record might have won a marshal's baton; but at least he had achieved his colonelcy before the downfall of Napoleon. Like Byrne he was awarded the cross of the Legion of Honour for gallantry on the field of action.

After Emmet's uprising Hamilton escaped; Russell was taken and hanged; Quigley and Stafford evaded detection for many months, and were at last run to earth in County Galway. The Government, which throughout this business acted in no very vindictive temper, wanted no more bloodshed and Quigley and Stafford were admitted to pardon on making full confession.

Having traced the career of Robert Emmet to the end, it becomes suitable to give that of Quigley after his arrest, as he was the second in command and a man in whom Robert Emmet had the fullest confidence. It is true Quigley turned informer, as did Stafford; both did so to save their lives, and probably did no more than others would have done under like circumstances.

Among the notes attached to "Robert Emmet", Gwynn gives an important document relating to Quigley and others which MacDonagh omitted from the collection given in the "Viceroy's Post-Bag". Apart from the intrinsic value of the document, it forms a proper ending to the life of Robert Emmet.

Ireland, Private and Secret 1803.
Vol. 603.
Examination of Michael Quigley
In the Lord Lieutenant's (most secret) Office
15 Nov. 1803.
"Pencil Endorsement. (This examination seems incoherently taken and is without . . . or dates)"
Examination of MICHAEL QUIGLEY.

Landed at Dieppe in France after being discharged from Kilmainham some time in June or July 1802. Walked from Parkgate to Chester with Ware a land surveyor who is left in Paris, and McDermot a farmer also in Paris——took the coach from Chester to London——staid in London about 4 days——met there Smith of Leixlip a Callico printer now in Rouen, Kilby of the Queen's County a Malster now in England *supposed to be in London, his friends live in Wapping*, Rose of Windyharbour a Callico printer *supposed to be in Manchester* and Riley of Kilcock a shoemaker who is now in Paris working at his trade for an Englishman, who were all discharged at the same time as Quigley.

Quigley, Ware and McDermot went on to Brighton——and so by the packet to Dieppe——Kilby, Rose and Riley preceded them about 2 days. Kilby and Rose returned immediately to England——never heard from either of them but understands that Kilby is settled in Wapping and Rose in Manchester. Connolly* the Priest when in Paris towards the end of 1802 received a letter from Rose.

Near Rouen found McCabe employed in establishing a cotton factory——he had some Irishmen working for him, but none of any note in the rebellion.† He had two master machine-makers both Irish; the name of the first was Costigan, he had

*"Connolly the priest was deeply concerned in the Rebellion and also was at least privy to the late Insurrection in Dublin. He was in a very bad state of health, and on that account permitted to go to Lisbon soon after the 23rd of July".

†"It appears from several different and concurring accounts that independent of his treasonable projects McCabe had been frequently in London for the purpose of seducing manufacturers".

brought him over from Manchester; the name of the other was (he believes) McPhea and that he came from Belfast. McCabe wished to have employed Quigley as a workman, but the Frenchmen to whom he had let the building of his Mill would not give up their contract. Staid there a month——then went to Paris with Ware and McDermot, took lodgings together——saw different Irishmen together, particularly Colonel McDonnell,* Surgeon Lawless,† Lewins, the two Corbets, who were expelled the college. One of them had been on board the Anacreon with Napper Tandy, the other had been taken on board the Hoche with Wolfe Tone and exchanged as a French officer; Delany, another McDonnell called little McDonnell, also from Mayo, O'Mealy and Hamilton. At this time Quigley was endeavouring to obtain work, and he is sure that all those persons had at that moment no intention of attempting to renew the Rebellion in Ireland, their conversation turning principally on the means of providing for their subsistence and establishing themselves in foreign countries.

An Irishman from Cork of the name of Tissan who acts as a sort of steward to Mr. Tare an American who owns the Hotel Montmorency engaged him to work at that Hotel which Mr. Tare was repairing and enlarging——Quigley was principally employed in constructing Chimnies——could not speak French, was therefore generally employed by himself in work requiring only one man to be employed about it——earned 6 livres per day——occasionally employed by others Rumfordizing Chimnies, when he earned 12 livres per day.

About the end of November or early in December Ware (who had been endeavouring to obtain a situation as English teacher in a school, but had failed) had a conversation with Quigley in which he told him that it would be better to live anywhere than in France, that he understood the French government would give the Irish encouragement to go and live in Louisiana, and that Colonel McDonnell had spoken to him about it.——Some time after Ware having mentioned to him that Colonel McDonnell would be glad to see them together.——Quigley, Ware, and McDermot went together to Col. McDonnell's lodgings who produced a map of Louisiana & asked them if they would go there with him——that if they would he thought he could get a grant of Land and Tools and Instruments from the French government thro' the means of an Irishman whom Quigley believed to be Madget who was employed in the Public Offices. Quigley and his companions did not at the time give their consent to the plan. Quigley heard soon after that Col. McDonnell had applied in the same manner to other Irish in Paris. Soon after Ware, who saw McDonnell every day, told Quigley that Col. McDonnell was sure of the grant; and that Vessells would be prepared at Havre for the expedition; on which Quigley assented to go. In a short time after this conversation Gannon the Priest (who acted as Interpreter to General Humbert in Ireland) told Quigley that the General was returned from St. Domingo *disgusted.*

Soon after this about the middle of January Ware told Quigley that a *better use might be made of the Louisiana Expedition,* and Gannon told him that General Humbert would give up his commission, sell his lands *and go with them to Ireland* that they might purchase arms and ammunition and raise 4000 men, and that Humbert was of opinion that 4000 men would conquer the country, if the Irish would go with them. Quigley entered into the plan, but being engaged in work at the time, he only heard of what was doing in the evening of working days from Ware who saw McDonnell every day and on Sundays from all the Irish with whom he mixed particularly the 2 McDonnells, McDermot, William Corbet, O'Mealy, Riley and Gannon——never remembers talking with Hamilton on the subject——Hamilton was absent the whole time that it was under consideration having only spent two days in Paris after his return from Ireland in January.

*"This Colonel McDonnell is a Barrister of considerable talents of the County Mayo." He was deeply engaged in the late Rebellion, joined General Humbert at Castlebar, accompanied him to Ballynemuch, and escaped to France".

†"Surgeon —— Lawless is the person to whom Michl. Byrne, lately arrested at Portsmouth, was carrying a letter under the name of Lesly".

He went immediately from Paris to see Emmet and McNevin at Brussels and did not return to Paris before Quigley had left it. He is certain that McNevin was gone to Brussels because he called on Quigley and Ware sometimes in Jany.——and said he was going there immediately*.

Soon after Humbert's return Ware told Quigley *that the expedition was to sail from Havre*——that the Arms were partly purchased——Ware also showed Quigley a letter from Swany of Cork who is settled at Havre to Russell, that arms might be purchased for the West Indies at 13 livres a piece buying a quantity of them—that they were cast arms of the French army.

Early in February McCabe came to Paris from Rouen and called on Ware, Quigley and McDermot——he told them that they were to go immediately to Ireland, that he had seen Russell and McDonnell, and they were to go to Havre, and call on him at Rouen in their way.

Quigley questioned him as to the force to be employed, the persons who were to embark, and many other points to which McCabe refused to answer. Ware called the next day on Russell from whom he received 30£ with orders to give 10 to Quigley and 10 to McDermot but refused to give Ware any further information.

Quigley and McDermot set out the next day for Rouen, lodged at McCabe's—— staid there 4 or 5 days, found McCabe arrived.—— On the 4th day Hamilton arrived.

Hamilton told Quigley that he was to go to Ireland——in the interval McDermot had returned to Paris——there was a letter from McDermot since——Hamilton told Quigley he would receive instructions in Ireland——left Rouen with Hamilton.

Hamilton told Quigley that when he came to Ireland he would see a gentleman who would tell him what he was to do——he told Quigley that he opposed Lord Enniskillen in a debate and therefore left the country——did not tell him what he had done in Ireland——Quigley understood Hamilton that he was taken in the Hoche and escaped by passing as a Frenchman.

Hamilton introduced Quigley to Emmet at Corbett's in Capel Street, no other person was present——Quigley had never seen Emmet. Emmet welcomed him and told him that there were arms and everything ready in Dublin to assist, and asked him *to go to the County of Kildare*——that interview continued about an hour. Emmet asked Quigley what notice would be necessary to bring men from Kildare to Dublin. Quigley said it was according to the distance that the farthest might require two days——this was about eleven in the morning——Hamilton was present. Recollects that Hamilton said he had no doubts the County of Kildare would act well, and if they did as well as they formerly did, more could not be expected. Supposes Hamilton said something in his favour to Emmet, but not in his presence. Emmet asked Quigley what number of men could be brought in from the county of Kildare and whether they could be brought in without the knowledge of Government or not. Quigley said there might as he believed be 1000 men got, but as to the possibility of their coming in without the knowledge of the Government he could not tell——Emmet and Hamilton were sitting, Quigley was standing. At parting Emmet said he'd see Quigley again, and they met by appointment that evening at Dillon's†, in Thomas Street. Emmet gave Quigley

*"It appeared from the testimony of James Farrell that Hamilton passed through London on his way to Ireland in December last, that he stayed only ten days in Ireland, returning to London and then proceeded to Paris under the name of Frazer.

"It appears further, from another account given by Quigley, that Hamilton went to Brussels for the express purpose of bringing Thomas Addis Emmet and McNeven to Paris and of establishing Emmet there as the avowed accredited agent of the United Irishmen. The circumstance of Emmet's having assumed the character of the Representative of the United Irishmen is alluded to by Arthur O'Connor to Hugh Bell in a letter, a copy of which was lately sent over here by Mr. [Rufus] King. It does not appear quite clear whether Quigley was brought over to Ireland by Hamilton and his friends in aid of General Humbert's scheme, or on a separate plan of their own.

"I am rather inclined to think that they came over in aid of Humbert's scheme, not only because they left France some time before the King's message, but because Colonel McDonnell (Humbert's great friend) was very intimate with Russell and Hamilton".

†"Dillon's in Thomas Street is a Public House (the sign of the White Bull) principally frequented by the Kildare Rebels. It was at the back of the yard of this house that the Depot of arms was found".

15 guineas and Quigley went on that night to the County of Kildare*. When they parted in the morning Emmet and Hamilton went together.

Quigley saw Hamilton afterwards at Butterfield Lane about a fortnight before the Insurrection, believes he lived there. Quigley slept there one night and Hamilton slept there also——they spoke of Dwyer——Russell was there also that night and big Arthur——Quigley dined with them——they talked of the business of Ireland—Quigley was there to shew him how to fire Rockets—they were to be fired in Dublin to go horizontally—they were made of iron, and a small one was then fired. Emmet explained it to Quigley, none but the two were then present——the object was to fire on the soldiers. After dinner they said that Dublin would be easily taken, they were all present then——Quigley got there about 4 in the evening, and remained till 9 the next morning. Emmet told Quigley there was to be a meeting there next day to settle the business and when Quigley was going to town he met Norris and the man from Munster going there——Norris told Quigley he was going there, Quigley walked.

MacDonagh in "The Viceroy's Post Bag" writes:

The fate of the actors in the drama who survived the Special Commission can be told in a few words. Dowdall and Allen the draper were the only leading members of the conspiracy who succeeded in escaping from the country. Hamilton, Russell's brother-in-law, was not brought to trial, as he, like Quigley, made a full disclosure on condition that his life was spared. He lay in Kilmainham, with Philip Long, the rich merchant who supplied the funds, Patten, Emmet's friend [brother-in-law], Anne Devlin, St. John Mason (Emmet's cousin), and others under the Act for the Suspension of the Habeas Corpus. The Act was to expire on March the 16th, 1806. In February the Whig Government of Grenville and Fox had replaced Pitt's last Administration.

Just previous to leaving office Hardwicke wrote to the Minister:—

With regard to Quigley, whose particular case you have noticed in your private letter to me of the 12th instant, it would no doubt, be highly proper to adopt some means by which the advantage derived from his disposition and power to give useful information should be secured to Government as far as may be; and for this purpose I take the liberty of suggesting that it would be advisable to secure to him whatever remuneration your Excellency may deem reasonable out of the Secret Service Money; and with a view to prevent suspicion of his connection with the Government, I also take the liberty of suggesting that it might be desirable to release him among the last, which at the same time, would give us the advantage of any intelligence he might obtain pending the gradual liberation of these people, by the same means as I understand him to have used ever since they have been confined.

So in March, 1806, the prisoners were released. Quigley took a farm at Rathcoffey, his native place in Kildare. He was evicted in 1842, but being at the time too ill to be removed the bailiffs allowed him to remain to die in his old home.

*"The expedition of Quigley to Kildare makes the subject of a separate examination of little other importance than as it points out the Individuals who are principally concerned in the conspiracy in that country. The only person of any consequence affected by it is Colonel Lamon [? word not clearly written]. But as Quigley himself had no connection with that gentleman, and received his report only from a third person it has not been thought expedient to arrest him".

Those who have eyes to read the signs know what is coming—they know that the long ebb is ended at last, that the flowing tide will be upon us soon. They know that the waiting, the confident watching for the turn will not be long unrewarded now, and that Ireland is awakening to a fiercer national life.

Irish Freedom, Dublin, 1913.

For fifteen years you have held the helm of Britain. . . . You have ruled her ill. You have been to England a bad Minister—to Ireland, a destroying spirit—passing over the land with devastation, sparing only those whose thresholds were marked with blood.

Miss Emmet.

Corruption—that other arm of England, whenever she seeks to strike down the rising liberties of Ireland! Force—whenever we give her the excuse for using it—Corruption when she cannot provoke us to give the excuse!

The Voice of the Nation, 1844.

The dead who die for Ireland are the only live men in a free Ireland. The rest are cattle. Freedom is kept alive in man's blood only by the shedding of that blood.

Sir Roger Casement, 1913.

Did History only register the justice and the humanity of ambition, her records would be in a nut-shell.

Robert Holmes.

Mary Anne Emmet (Mrs. Robert Holmes)

In the character of those men who live by the debasement of Ireland, by sacrificing her interests, and her rights to the malignant jealousy of a rival who barter for gold Irish liberty and Irish blood, we see all the baseness of a depraved mind, without any of the grandeur in which even villainy is sometimes clothed.

Robert Holmes.

Six hundred years of oppression and slavery have passed in melancholy succession over our fathers' heads and over our own, during which period we have been visited by every evil which tyranny could devise and cruelty execute.

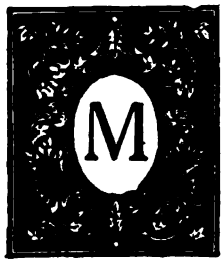
Theobald Wolfe Tone.

What is the voice of the people? Such an expression of the general will as leaves no doubt of its title—Vox Populi Vox Dei.

Robert Holmes.

Chapter XXXI

Mary Anne Emmet—Her early life—Her strong intellect—Her vigorous writing helps to stir people to the revolt of '98—Her Pamphlet and "Address to the People of Ireland"—Her poems—Marries Mr. Robert Holmes—Her early death—After-life and death of Mr. Holmes—Marriage of their daughter to George Lenox-Conyngham—Remarkable poetic ability of Mrs. Lenox-Conyngham.



ARY ANNE EMMET, the only daughter of Dr. Robert Emmet, was born in Dublin, October 10th, 1773. She was a woman of remarkable intellect, and, as Dr. Madden states, "she shared in the talents which seemed to be hereditary in her family". During the political turmoil of several years, which eventually terminated in the Irish Rebellion of 1798, no one did more to rouse the people than Miss Emmet by her vigorous writings on the political questions of the day. She was a thorough classical scholar, an accomplishment which she held in common with the other members of her family. The writer has in his possession several political pamphlets from her pen.* These clearly show that she must have possessed a profound knowledge of political economy, a familiarity with history and the body politic to an extent few public men of her day possessed and such as could be gained only after careful reading.

Dr. Madden has shown her purpose in these pamphlets which belonged to her brother, Mr. T. A. Emmet, who had written her name as the author on the title page. Dr. Madden writes as follows:

> At the time that the projected Union was exciting general interest, two very remarkable pamphlets appeared which were ascribed to her—one of which, called "An Address to the People of Ireland, showing them why they ought to submit to an Union", published in 1799, there is no doubt of having been written by her.
>
> This pamphlet is written with very great power, and its mode of advocating the Union may be gathered from its motto:
>
> "Of comfort no man speak;
> Let's talk of graves, of worms, and epitaphs".—SHAKESPEARE.

The design of this extraordinary production was to expose to the people the true character of the new-born patriotism of such men as John Claudius Beresford,

*They have been reprinted for this work and are to be found in the Appendix, Notes XXIII and XXIV.

the Right Hon. John Foster, Lord Kingsborough, Lord Cole, Colonel Barry, Messrs. Whaley, Saurin, Vereker, and Bagwell; many of whom were then (1799) red-hot "patriots", who in the year following (in voting for the Union) were not ashamed to sell their country, but thankful to Providence (as one of them had the candour to acknowledge) that they had a country to sell.

The other pamphlet known to have been written by Miss Emmet bore the title: "A letter to the Irish Parliament on the Intended Bill for Legalizing Military Law" (Dublin, 1799), a copy of which will be found as Note XXIII in the Appendix.

Subsequent to this date Miss Emmet wrote the following poem, which with others was published many years after by her daughter in a volume of her own poems, and which has been attributed to her brother Robert.

THE EXILE TO HIS COUNTRY.

Ah! where is now my peaceful cot?
And where my happy home?
Far distant from that cherished spot,
In banishment, I roam.
From thee, my country! I am driven;
A wanderer forced from thee;
But yet my constant prayer to Heaven
Shall be to make thee free.

How blissful once my lot appeared!
How brightly Fortune smiled!
My daily toil by hope was cheered,
By happiness beguiled.
My blooming children played around;
Their mother blessed each hour;
Till tyrants on our prospects frowned,
And crushed us with their power.

They burned our humble dwelling then,
Our little all destroyed;
And left us, the hard-hearted men,
Of every hope devoid.
And thus, my country! I was driven
A wanderer far from thee;
But yet my ceaseless prayer to Heaven
Has been to make thee free.

My helpless children sobbed aloud
Upon the parting day;
My Mary's head with grief was bowed;
Oh! how I wished to stay!
With anguish o'er the spot we mourned,
Where long our cottage stood;
And, as we went, we often turned
To view the neighbouring wood.

And when our vessel put to sea,
As dimmer grew the shore,
My bosom panted heavily,
To think that, never more,

My eyes upon that land should gaze,
  Where all my youth was spent;
And where I thought to end my days,
  In virtue and content.

Can virtue make content secure,
  While tyrants may destroy
The simple blessings of the poor,
  And blast their rising joy?
My loved, lost country! ruined, driven,
  An exile far from thee,—
My last and fondest prayer to Heaven
  Shall be to make thee free.

Miss Emmet wrote the following, it is believed, before her marriage:

To Friendship.

Best soother of the human heart,
  In mercy sent to pour the balm
Of peace, where Sorrow's venomed dart
  Hath entered!—thou hast charms to calm
The breast by maddening conflicts torn;
  Thy smiles a ray of comfort throw
Upon the mind by anguish worn:
  Friendship! thy power they do not know
  Who have not felt that power in woe.

Thy gentle hand the wound can close
  Of silent grief that inly bleeds:
For passion thou cans't win repose;
  And while, with tone persuasive, pleads
Thy seraph voice, the long-dried eye
  Of still Despair a tear will shed;—
The labouring bosom heave a sigh
  Upon the grave,—the dark, chill bed
  Of loves and hopes for ever dead.

Oh, sacred Friendship! seldom found
  Where Guilt, or Vice, or Folly dwells;
Where pleasure rolls her varying round,
  Or fashion casts her airy spells!
Their votaries thy presence spurn—
  Their selfish cares thy faith would blight;
Thy footsteps to the shade return;
  Thy soft joys wing their trembling flight
  Far from the garish scenes of light.

Then come, oh Friendship! come to me!
  For I the sorrow long have known
Which makes the spirit cling to thee:
  Let me not bear it still alone!
And if thou hast no balm to heal

The wounds by Memory made so deep,
Yet, let thy touch my tears unseal;
Soothe lighter griefs than mine to sleep;
Alas! I only ask to weep.

As Mrs. Holmes was an invalid for several years before her death and lived under most depressing circumstances, it is probable these verses were written at that period.

To Oblivion.

Oblivion! come and try thy power
To heal the sickness of the soul:
Thy lulling charms around me shower,
And let me drain thy opiate bowl.

Banish Remembrance from her seat!—
Her busy toils distract my brain;
I cannot bear her to repeat
The anguish of those hours again.

When Hope, alternately with Fear,
Led anxious Fancy's shadowy throng:
The threatening evils still appear,—
But faithless Hope hath vanished long.

Oblivion, come! no votary blest
May bend before thy leaden shrine;
A heart which only pants for rest,
Implores to be forever thine.

Oblivion! shall I court thy power?
And shall I bend me at thy shrine?
Devote to thee the lengthening hour,
And love for apathy resign?
The scenes of social joy forget?
The faces with affection glad?—
While yearning Nature owneth yet
The claims of Memory, fond though sad,
Oblivion! thou would'st seek in vain
To drown my cares or lull my pain.

For Guilt's pale slave thy chalice fill,
Who cannot hope and dares not think;
And while thy spells his senses chill,
Beneath their influence let him sink,
Invoking thee, his only good:
Deaden remorse's rankling sting;
Blot out the deep-dyed stain of blood;
And o'er Despair thy shadows fling:
Let sullen stupor bring relief
To him whose conscience is his grief.

O'er me thy torpor shall not creep;
  On me thy gifts thou shalt not shed:
Oh! rather let me feel and weep
  For every hope and blessing fled,
Than banish from my aching heart
  The loves by sorrow made more dear,—
Than bid the tender thoughts depart,
  Which soothe a mind they cannot cheer,—
Than let thy soul-benumbing sway.
Palsy my life's best powers away.

No! Memory, hail! to thee I bend;
  To thee I form the votive prayer;
Propitious to my vow attend!
  Grant me thy joys,—thy woes,—to share:
Give me thy varying book to read,
  Nor thence one character efface;
And while the vivid scenes succeed,
  And while past pleasures I retrace,
The tears that fall on every line,
Shall be an offering at thy shrine.

To Hope.

While low at fickle Fortune's shrine,
  Unwearying thousands bend, her smiles
  To win, with varied arts and wiles,
I woo her not; nor wealth be mine,
Nor glittering pomp; unmoved I see
  Pleasure's gay, laughing troop appear:
They raise no wish; one only wish I frame;
Freely, for it, I Fortune's gifts disclaim;
  I ask—delusive Goddess, hear!—
One brightening smile, enchanting Hope! from thee.

One brightening smile, to gild the gloom
  Of destiny. While grief, too deep
  For utterance, does not dare to weep
Oh! shed thy light upon my doom,
And save a victim from despair!
  For thou, when all the joys are flown
That in life's morning played around the heart,
Can'st still unbarb affection's venomed dart;
  Thy cheering voice hath power alone
To chase the phantoms conjured up by care.

Thou, only thou, the veil may'st raise
  Which Sorrow casts upon the mind;
  And soothe the wretch to be resigned,
With whispers soft of tranquil days,
When Earth's tumultuous thoughts shall cease,

And the worn heart no more shall beat;
When the tired spirit, heavily opprest
By life's long sufferings, lulled by thee, shall rest
In death;—until it wake to meet
Hope's promised sunshine of eternal peace.

For many years Miss Emmet contributed freely to "The Press", both in prose and verse, but as her daughter was but a child at the time of her death some of her best literary work was lost. From the time of the arrest of her brother, Thomas Addis, to the hour of her death, she was never free from apprehension, great responsibility and sorrow, to which were added several years of bad health. She married Mr. Robert Holmes and for a long time after their marriage, they lived with her father, Dr. Robert Emmet, and in a series of letters written to Mr. T. A. Emmet during his imprisonment, as we have seen, frequent reference is made to them.

Mr. Holmes had been absent on business in England, and arrived in Dublin on the night of the outbreak, in 1803, which was led by his brother-in-law, Robert Emmet. Though entirely ignorant of the movement, he was arrested in the street before he could reach his home. Sir Bernard Burke in 1880 gave the writer the following statement connected with Mr. Holmes's arrest and the story of his wife's death, previously unknown to the members of her family now living.

He stated that Mr. Holmes had been confined in the same apartment which in 1880 was used as the office for the Ulster King-at-Arms. This room was situated alongside of St. John's Tower, in the Castle at Dublin. After a confinement of over a year in this room he was released without having had any charges preferred against him. Mr. Holmes walked directly home. In response to his ring his wife unfortunately opened the door, only to drop dead in his arms from the suddenness of the shock and the excess of her joy at seeing him. It is said that Mr. Holmes never recovered from the shock he thus received, and to the day of his death he was seldom seen to smile.

Unfortunately there exists no record known to the writer as to the time when Mr. Holmes was released, or the date of his wife's death. The church register of burials does not record that of Mrs. Holmes. The writer is under the impression that Mr. Holmes was released some time before his wife's death, and at the same time he is ignorant of the source from which the impression was derived, unless it were the tradition that Mr. Holmes was present when his wife was buried in the middle of the night. Mr. Quaid states that Mr. Holmes was discharged from prison in March, 1806, when all the State prisoners in Ireland were released after the death of Pitt. This can be only a supposition, as Mr. Holmes was never with the other prisoners and there is no record of his imprisonment, for, as there was no room elsewhere, he was temporarily locked up in a room in St. John's Tower of the Castle and forgotten. Finally, after about eighteen months detention, there being no charge against him, and the room being wanted for some other purpose, he was told to go.

Mrs. Holmes was a woman of great executive ability and is said to have been truly a helpmate to her husband. Subsequent to her marriage she and her husband continued as inmates of her father's household. After the death of her father her mother was so crushed that she simply continued to exist without taking any interest in the worldly affairs about her. Mrs. Holmes then took her mother's place in the management of the household, in caring for the youngest children of her brother Thomas Addis, and the daughter of her brother Temple. At the time of her brother Robert's execution every member of the Emmet family and their connections were either in prison or absent from the country, and she and her niece alone were free. As a woman of energy and one accustomed to direct and take part in the affairs of life, she doubtless assumed charge of the disposition of Robert Emmet's body, with the assistance of the Rev. Mr. Gamble, and she alone of all the family could have had any personal knowledge as to its subsequent history. Robert was her favorite brother; in early life he had been her constant companion and during his absence on the Continent she was his chief correspondent.

Under such circumstances she of all others would have been the one most likely to have seen that his wishes were carried out. Her husband, on his release, doubtless obtained from her a knowledge of the temporary disposition of her brother's body, and would naturally have looked forward to its being finally deposited in the family vault in St. Peter's church-yard.

It was known positively to the older members of the family that her body was laid to rest in the family vault after midnight and that Mr. Holmes and the sexton were the only persons present at the interment. The writer when a boy often heard the supposition that she might have died of some contagious disease. Mr. Holmes was too much attached to Robert Emmet and his family not to have respected his wish to rest in an unknown grave and in accord with his wife's natural wish, and with the opportunity presented by her own burial, the body of her brother would have been placed with hers, if it were not already lying there. After this had been accomplished the only proper course to have been followed by all the family who possessed a knowledge of the disposition, was to remain absolutely silent; this was done and with them the secret died.

Some time during 1803, in the midst of the sorrows of her life, Mrs. Holmes gave birth to a daughter, from which she never recovered, weakened as her nervous system must have been from the strain she was subjected to. This finally resulted in her death, as the writer was informed by Dr. Madden, the friend of John Patten, who in turn, was his authority.

The arrival of Mr. Emmet's children in New York early in June, 1805, might be some indication as to the time of Mrs. Holmes' death. Some delay occurred in finding some one to take charge of these children on the voyage, but as there was no one but the servants to look after them, their departure had necessarily to be expedited.

Had Mr. Holmes been a blood relation he could not have guarded and directed the family interests with more singleness of purpose than he did for

so many years. He was loved by every member of the family and his care only ceased when he had outlived every member and connection of this branch of the Emmet family in Ireland. His life from early manhood, was so closely identified with that of Thomas Addis and Robert Emmet, that no memoir of either could be completed without some special mention being made of their beloved friend. Fortunately Mr. Quaid, in his work on Robert Emmet, has furnished all that is needed. He states:

Mr. Holmes had been much trusted by Nationalists, and he defended John Mitchel in 1848, when he was in his 84th year. It is well known that he had a deep aversion to Plunket, the Lord Chancellor, who had in 1803, exceeded his duty as a prosecuting counsel in Emmet's "trial". Moreover, his opinion upon the evils arising from the English connection were known to have never changed.

The last professional act of Mr. Holmes is believed to have been his defence of John Mitchel in May, 1848, after he had passed his eightieth year. Shortly afterward he moved to London where he spent the remainder of his life with his daughter, Mrs. Lenox-Conyngham. The report of this trial is given in the Appendix, Note XXV, as taken from John Mitchel's paper, "The United Irishmen", with a portion of a sketch of his life. Although relegated to the Appendix this report is one of great interest, owing to Mr. Holmes' fearless courage in the defence of both Mitchel and his native land.

The following announcement appeared in the Dublin "Evening Mail" for 5th December, 1859:

At his residence, 37 Eaton Place, Belgrave Square, Robert Holmes, Esq., in the 95th year of his age.

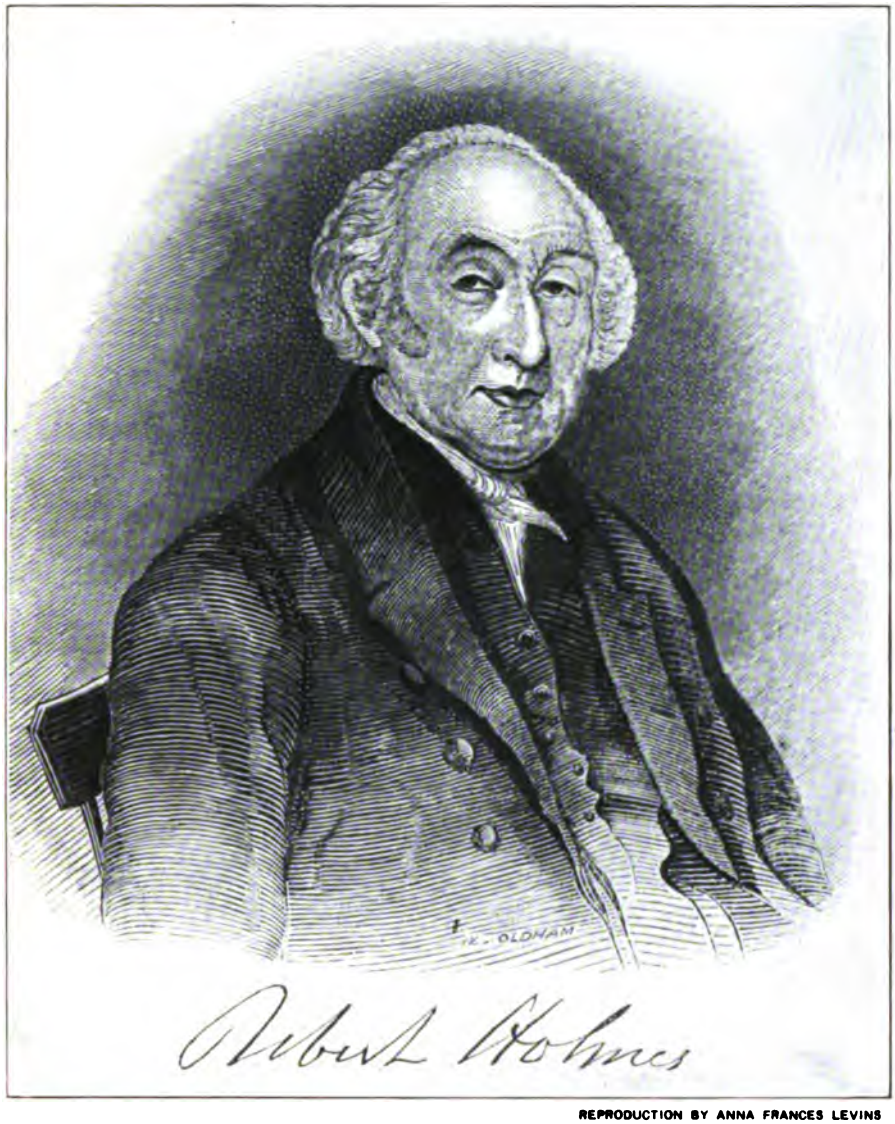
The editorial notice of his death is as follows:—

DEATH OF ROBERT HOLMES.

It is with feelings of the deepest sorrow we record the death of this distinguished Irishman and eminent lawyer. The sad event took place in London last Wednesday, at the residence of his son-in-law, Eaton Square, having just attained the age of 95, and in the full possession of his mental faculties.

The Dublin "Evening Post" of December 3d, 1859, thus records Mr. Holmes' death:—

The death of this truly great man in London had been reported about two years ago, when the erroneous announcement had given occasion to panegyrics upon his public and private life in the Irish newspapers, which it was stated at the time he had read with gratification as the kind expression of his countrymen towards one who loved Ireland well. It is now our duty to announce the fact that the earthly career of Robert Holmes has terminated. He died on Wednesday last, at the residence of his son-in-law, in Eaton Square. The venerable gentleman had just entered on his ninety-fifth year, and to the last was in full possession of his mental faculties. We cannot better convey our opinion of his character than in the words of one to whom he was most intimately known for years—no ordinary judge of human nature—who in communicating this intelligence to our friend in Dublin, thus expressed himself: "He died this evening at a quarter to seven o'clock, and a nobler spirit never winged its way from this to the other world than his". The numerous admirers and the many attached friends of Robert Holmes in Ireland will, we



REPRODUCTION BY ANNA FRANCES LEVINS

From the Irish Tribune, June 17, 1848. As he appeared at John Mitchel's trial

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are sure, fully re-echo this sentiment. If loftiness of mind and resolute independence of character, accompanied by intellect of the highest order, be proofs of greatness elevating itself without the aid of high position or official station, Robert Holmes was indeed a foremost man.

Robert Holmes was called to the Bar in Hilary Term, 1795, and had been the cotemporary of the great lawyers and orators who had shed so much lustre on their country in the early part of the present century, outliving all of them and there was this peculiarity in the case of Mr. Holmes, that he acquired a distinguished position wearing the stuff gown of the outer Bar, and respecting the honours which various governments, recognizing his eminent abilities, offered to him. He remained at the Bar to a rather advanced age in full practice, enjoying the esteem and attachment of his professional brethren, and of all parties, and of the public, who admired that noble character we have imperfectly pourtrayed. The later years of his life were spent in domestic repose and seclusion with a mind unclouded and with affections for friends and country ardent almost as in youth.

Mr. Quaid writes:—

The question will therefore occur as to where Holmes interred his wife. Naturally he would have done so in St. Peter's with her father and mother. He lived from 1807 to 1851 in the Parish of St. George, but interments so far as I know in St. George's Church were unknown, and there is no record in the register of interments in St. George's Graveyard, Whitworth Road. The mystery is deepened by the fact that there is no record of Mrs. Holmes' interment in St. Peter's. Omissions of interment sometimes occurred, but the omission is most significant in this case. There is no doubt that Mrs. Holmes was interred in St. Peter's.

Dr. Madden in the second edition of his Memoir of Emmet, for which he was in possession of more information, says that Mrs. Mary Anne Holmes died in 1804, and that her remains were interred with those of her parents in the Churchyard of St. Peter's, Aungier Street. *Why did Holmes not inscribe the tombstone, if there was one to her memory?* Is it not clear that he desired the family grave to remain in obscurity, and so allowed it to remain for fifty years while he was living in Dublin in order that he might comply to the very letter with the testament of the patriot? Mr. Quaid's investigation brought him to the same conclusion as held by the writer,—that Robert Emmet's body and that of his sister, Mrs. Holmes, were placed in the Emmet family vault in St. Peter's churchyard, and if it were possible, the interment of both took place at the same time.

Mr. and Mrs. Holmes had but one child, a daughter, who became Mrs. George Lenox-Conyngham. She was the mother of the dowager Viscountess Doneraile, Co. Cork, Ireland.

The writer had the good fortune to meet Mrs. Lenox-Conyngham in 1880 and to know her well. She was then at an advanced period of life, but still in full possession of her faculties, giving fullest evidence of having been a woman of superior attainments and of great beauty in her youth. She lived for several years after this visit and the writer had occasion frequently to correspond with her in reference to information he needed concerning cotemporary members of the family abroad.

The following is from a volume of original poems written by Mrs. Lenox-

Conyngham, published in London in 1833. This poem is one of many of great merit and in itself is a remarkable production, showing that the daughter inherited to an unprecedented degree the talent possessed by her mother and every other member of her family, but she lived at a period when it could not be utilized.

WEEP NOT FOR THE DEAD.

Weep ye not for the dead, neither bemoan him—but weep sore for him that goeth away; for he shall return no more, nor see his native country. But he shall die in the place whither they have led him captive, and shall see this land no more.—Jeremiah xxii.. 10 and 12.

Not for the dead—nor for the unconscious weep,
Whose country's ruin troubleth not their sleep;
There is a mockery in the tears ye shed
For them who from the wrath to come have fled—
No! weep not for the dead.

Your grief afflicts not them—they do not hear
The tones whose lightest sound was once so dear;
Would you awake them, if you could, to know
What we, they loved and left, must undergo?
Wake not the dead to woe.

Weep ye not for the dead! a blessed doom
Hath closed on them the portals of the tomb;
Their quiet memory dreams not of the past—
Their anchor through eternity is fast—
Their changeless fate is cast.

Weep ye not for the dead—but weep, weep sore
For them who go, and shall return no more;
Weep for the vanquished, captive, exile bands,
Condemned to waste away in foreign lands,
With nerveless hearts and hands.

Weep for the weary, wayworn, aged men
Who deemed they ne'er should leave their homes again;
They go, they go from that beloved home—
They go, in distant dreariness to roam,
And back they shall not come.

Weep for the delicately nurtured young,
Whose childish accents must renounce the tongue
In which their mothers taught them to lisp forth
Praise to their God—good will to all on earth,
The tongue that hailed their birth.

Weep for the widowed bride, on whom the blight
Of desolation resteth—whose life's light
Is quenched within the tomb of one that lies
In the fallen land she learned from him to prize—
Fallen, never to rise.

Weep for the brave—the banished, baffled brave,
Bereaved of all they vainly bled to save—
The brave who still would gladly die to free
The native country, they shall never see—
Dear, even in slavery!

Weep, weep for these; but let no senseless tear
Flow for the dead. Exempt from grief and fear,
The land that bore them pillowed their head—
Their graves among their fathers' graves are spread—
Then weep not for the dead.

She also wrote:

DEATH THE MEDIATOR.

Death is a mighty mediator. Life
Aboundeth with the elements of strife,—
Hope dimmed by fear, crushed love, unslumbering hate,
Which makes assurance of a foe's dark fate
Appear a brightening of our own. And then
The paltry, clashing interests of men!
The ever straining, still uncertain aim
Of each to outsoar his fellows—make a name,
And be a thing of fame!

Earth's sweetest portion hath a taste of gall;
Earth's loveliest visions are dispersed in air;
Earth's proudest glory mounteth but to fall;
Earth's gayest laugh is echoed by Despair;
Earth's noblest spirits bear the heaviest load;
Earth's best affections feel the earliest blight;
Earth's tenderest children tread the roughest road;
Earth's lords with joy see strength out-balance right,
And justice crouch to might.

Earth's life is wrapt in selfishness; but Death,
Who stays the giant's as the infant's breath,—
Death the all-tranquillizing,—brings a balm
To heal deep wounds; he hath a spell to calm
Revenge:—the living war not with the dead.
Behold the corse whence recently hath fled
The soul that ruled it through its passage here:—
That soul is summoned to another sphere;
Its judgment hour is near.

What were that man's crimes? Was he one who made
The orphan's bread more bitter?—quenched the fire
That cheered a widow's hearth?—or who betrayed
A trusting friend?—deceived a generous sire?
Was he a brother—loving till the tide
Of jealous discord rose and swelled within
His bosom, drowning nature? Was his pride
A people's curse? And did he strive to win
Power, by a tyrant's sin?

Each hour that passes o'er his stiffening clay,
Clears from our thoughts some injury away.
His faults are cancelled, every glance we give
At his pale form, reminds us that we live
To die like him. Oh! who would anger bear
Against the unresisting object there?
A mass of crumbling atoms, soon to be
Dispersed,—is that fit mark for enmity?
Men! mortals! answer ye.

Death palliates all wrongs; a rival's tomb
Becomes an altar to the God of peace.
Hate dares not penetrate the grave's deep gloom:
The race of passions, at that goal, must cease.
Death softens living hearts, and from their core
The poison-drop of black resentment wrings;
Death is akin to charity, and o'er
Memory's long record of offending things
A veil of mercy flings.

In this volume there are several poems covering forty or fifty pages which are remarkable evidence of the high order of her poetical talent, and in addition there are a number of original renderings from the ancient classics, particularly the Greek, with which she seemed as familiar as with English. Almost every poem is headed by some quotation in Greek, German, Italian or French.

The following, taken at random, is headed with several lines quoted from "Xenophontis defensio Socratica".

*Τί τοῦτο; ἢ αρτι δακρύετε;οὐ γὰρ πάλαι ἴσ, οτί, ἐξ ὅτου περ ἐγένομην κατεψηθισμένοζ ἦτ μου ὑπὸ τῆζ φύσεωξ ὁ θανατοξ**

"Weep ye to think a mortal friend must die,
And thus fulfil his human destiny?
And know ye not, that all the things of Earth,—
Imperfect, fragile, fleeting,—at their birth
Receive the stamp of premature decay;
Bloom but to wither;—live to die away?
That all the joys within life's widest scope,
Are but the breathings of an infant's hope?
Ere childhood ends, the half formed hope is fled;
Ere youth is past, life's sickly joys are dead.
The throbbing pulses of the hero's breast
Bound for a moment,—pause and are at rest;
The lover's passion, and the conqueror's pride,
Alike are human, and alike subside;
The statesman's policy, the patriot's zeal,—
His deep devotion to his country's weal;
The poet's realm of brightly fancied forms,
Where, high above the reach of earthly storms,

*Why, for what are you still weeping? Knew you not long since that my death was prescribed by nature, since I was born?

He reigns, entranced, untroubled, and alone,
Forgetful of all worlds except his own;
The sage's reasoning upon nature's laws,—
His vague conjectures upon nature's cause;—
All these must pass, and scarcely leave behind
A trace or token of the extinguished mind.
Wit, wisdom, genius, honour, glory, power,—
Each, each is but a frail and fruitless flower,
That soon must spend its faint, unfelt perfume
In transient fragrance o'er its owner's tomb.
"Know ye not this, my friends? then murmur not
That I, a mortal, prove a mortal's lot;
That I, a thing of earthly hopes and fears,
Of human joys and sorrows—smiles and tears,—
Inherit, jointly with the wise and brave,
Earth's choicest sons, existence and a grave.
"Or weep ye that I fall in reason's prime,
With powers unwithered by the touch of time;
A mind still vigorous in the search of truth;
Affections fresh as in the spring of youth?
Weep not for this, ye faithful ones! but think
How ye had doubly wept to see me sink
Beneath the weight of years; by dull degrees
Resigning life's ennobling energies:
The kindly feelings that were wont to shed
Their warmth upon my heart, worn out and dead;
The intellectual brightness that had shone,
In glory, round my spirit, quenched and gone.
Think, my beloved! how ye then had mourned
To see a gloomy void, where once had burned
The genius of your Socrates;—each spark
Of mind extinct,—its dwelling cold and dark;
And bless the merciful decree that gives
To death my body, while my soul still lives;
Yes! bless that harsh, that undeserved decree,—
Its author's bane, but merciful to me.
"My life must shortly terminate; but long
Shall live my story in the poet's song;
Throughout the world, shall each succeeding age
Inscribe my wrongs upon the historian's page;
And many a passing century shall find,
In Greece's memory, my name enshrined;
While Athens, drooping Athens, still shall mourn,
With love material, o'er my mouldering urn".

Calm, imperturbed, the undaunted Heathen died,
Strong in his virtue's self-depending pride;
Armed with the hope of an enduring name,
And soothed by dreams of philosophic fame
Or was it that a vision, which before,
Had glanced upon him oft and vanished, o'er
That hour a light more full and radiant spread,
And beamed conviction round his dying head?
Was it that bright and faithful vision gave

An insight into worlds beyond the grave;
A shadowy outline of some better state,
Where good men live in love, and bad men's hate
Pursueth not its victims; where the soul
Forms with its Author one immortal whole?
Was this what calmed the Sage's parting breath,
And raised his mind above the power of Death?
Oh! had the certainty of saving grace,
Of full redemption for a guilty race
Of everlasting bliss, to him been given,
How had that Heathen's spirit longed for Heaven!
How had it rested on the hope divine
Of endless life!—Christian! that hope is thine.

Just before this book was sent to press there was received from Mr. J. F. Fuller of Dublin a photograph of a pencil drawing, which for the greater part of the last century was supposed to be the likeness of Robert Emmet, taken in 1802. It had been the property of the late Sir Edward Hudson-Kinahan of Dublin, who some years before his death had photographs made of it and Mr. Fuller secured one of these.

In a letter to Mr. Fuller, Lady Hudson-Kinahan wrote in relation to the sketch.

Probably the reason it came into this family's possession is that the Hudson family who used to live at Rathfarnham were great friends of the Currans and others who had the same Politics. . . . We have here a small painting which was given to an aunt of my husband, by Sarah Curran.

One of the State Prisoners confined at Fort George and for several years in daily intercourse with Mr. Emmet was Edward Hudson, from Dublin. Mrs. Holmes may have made Hudson's family custodian of some of the Emmet effects from "Casino". Tone in his diary tells that Mr. Emmet lived at Rathfarnham after his marriage and gave an account of his visit there with Russell. He therefore knew this Hudson family referred to by Lady Hudson-Kinahan and as they were of the some politics, Edward Hudson of Dublin was in all likelihood the same as the gentleman confined at Fort George, and as Madden shows, between whom and Mr. Emmet a misunderstanding was brought about by O'Connor. An enlargement of this drawing shows it to be the likeness of a young woman. Why the date 1802 should have been associated with the drawing is unknown, but if the Emmet family were socially connected in Dublin with the Hudsons it is quite possible that Mrs. Holmes presented it to Hudson's daughter.

In 1880 the writer was shown by Mrs. Lenox-Conyngham a similar pencil drawing of herself as a young girl. She said it was executed by her cousin Miss Catherine Emmet, the only child of Christopher Temple Emmet. The drawings of this young woman and especially her portraits, were noted, and in character of style were apparently unique.

During the greater portion of 1802 Dr. Robert Emmet was very feeble and required the constant care of his wife. Mrs. Holmes had been obliged to take charge of the house, although she was also quite an invalid. It became

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SUPPOSED SKETCH OF MRS. HOLMES

necessary that she have a companion, and her niece, Miss Catherine Emmet, was sent for in the spring of 1802, and came from the south of England where she had made her home among the Temples, some of her mother's family. Miss Emmet became the constant companion of her aunt until after her grandfather's death, and the closing of "Casino".

In 1817 Miss Emmet visited her uncle and relatives in New York, as shown by a letter reproduced in the first volume. In this connection the writer recalls making an inquiry of his aunt, Mrs. Le Roy, as to the existence of any likeness of Mrs. Holmes. He was then told that during this visit Miss Catherine Emmet had incidentally stated that she had made a likeness of her aunt in 1802, while an inmate of her grandfather's house, but it could not be found after Mrs. Holmes' death.

This drawing belonging to the Hudson-Kinahan family and the one of Mrs. Lenox-Conyngham, must have been done by the same artist, as there was an individuality about them not to be forgotten and it is doubtful if any two persons could have possessed the same style in common.

"Casino" was closed, after Mrs. Emmet had established herself in a smaller house belonging to the family, situated in another suburb of Dublin, nearer to the city. "Casino" and its contents had been left by will to Thomas Addis Emmet, and ready money given to Robert, as his portion from his father.

Whether the money was thus left by request of the son for a special purpose, must remain a conjecture, but this inheritance was immediately utilized, and with it and the liberal contributions by Mr. Philip Long, the movement in 1803 was chiefly financed.

After her mother's death Mrs. Holmes was left in charge with no one to advise her, and with no help beyond what her niece, Miss Emmet, could render her. As her brother, Thomas Addis Emmet, was in exile and his plans for the future unsettled, her brother Robert's life having been forfeited and her husband still in prison, she began to take steps for the protection of the family possessions, lest they should be confiscated by the Government. As stated elsewhere, she proceeded to distribute the library, pictures, and all other articles of value among those of her acquaintances whom she judged to be friends of the family. Unfortunately she made no list of the distribution and as years passed before Mr. Emmet was in a position to care for them, the names of the custodians were forgotten. As a consequence, little of value was ever returned to the family, since during a generation or more the source of possession was also forgotten.* In this distribution it is quite possible that this drawing of Miss Emmet was left in the drawer of some piece of furniture and was thus lost; or, as has been suggested, it may have been presented to some of the Hudson family. These are all the known facts which in any way could be associated with the drawing of 1802.

An anatomical comparison between this drawing and the portrait of Robert Emmet by Comerford shows a closer resemblance than is usually seen between

*The bed and table linen, with the silver, were retained by her and afterwards sent to Mr. Emmet in Paris, whence they were brought to this country with the family.

brother and sister. The one presents the expression of ill health, and the other that of extreme bodily fatigue. The chin, lower jaw and upper lip, and the dilated nostril, are identical.

Had the mouth of Robert Emmet been left open the flat upper lip would have been like that in the drawing and have projected at the same angle. The outline of the nose in the drawing is too indistinct to allow us to make any comparison. The eyebrow in the drawing and that shown in the Brocas portrait are identical in shape, while there exists a general family resemblance, as it were, in all three. The close resemblance between the shape of the chin, lower jaw and ear is so close in the Comerford and Brocas drawings, that their authenticity cannot be doubted.

When, after the death of their grandparents, the children were sent out to their father in New York, there was shipped with them a side-board, a tall stand for music and some other pieces of furniture. After the death of his father in 1827 and the breaking up of his household the side-board and music stand passed into the possession of T. A. Emmet, Jr., the Master in Chancery for New York, and in 1864, from the sale of his uncle's effects these two pieces came to the writer. The side-board has on each side a tall compartment for demijohns. The writer's father often mentioned with what pleasure, when at play at Casino, he and his brothers would hide in these compartments whenever one was found empty.

This furniture undoubtedly belonged to Dr. Robert Emmet, as Mr. Emmet's furniture in the house on Stephen's Green and in his father's house was sold, when they were closed. The writer recalls seeing in the possession of his uncle, Judge Robert Emmet, an accounting made to his father by one Sadlier, for the sale of the property on Stephen's Green, in which the eldest son, Robert, had a special interest.

ROBERT EMMET—They dim his glory when they represent him as the victim of a protest against an injustice local to Ireland, instead of as an Irish apostle of a world-wide movement for liberty, equality and fraternity. Yet this alone was indeed the character of Emmet, and as such the democracy of the future will revere him.

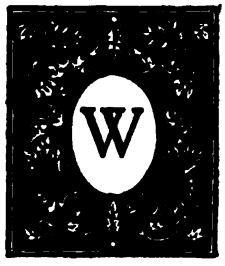
James Connolly.

Not to repeal the Union, but to repeal the conquest; not to fall back on '82, but to act up to '48; not to resume or restore an old constitution, but found a new nation and raise up a free people,—strong as well as free, and secure as well as strong.

James Fintan Lalor.

Chapter XXXII

An incident from Irish Political History not generally known—Something for the consideration of the English Government as well as for the Irish people.



HILE the author was preparing an account of his stewardship as President of the "Irish National Federation of America" for his work, "Incidents of My Life", he was unable to obtain access to the papers of the organization. Since then they have been arranged and bound. Among these papers he was able to obtain two cablegrams which have now become of historical interest, and are reproduced in facsimile.

As the writer has passed the period of life when in the natural course of events it can be expected that he will have the opportunity to contribute any additional work to Irish history, he avails himself of the issue of this work to place on record what is likely to be his last contribution.

On this subject he has already written:*

Shortly before the general election in 1892, when the Liberal party was again returned to power, I received a cablegram from Mr. John Dillon, who was the National member of Parliament selected by Mr. McCarthy, the chairman of the Irish party, to keep in correspondence with the Irish National Federation of America.

Mr. Dillon stated that the treasury was empty and that they would have to give up the contest if funds could not be obtained. It was threatened that every seat held by a Nationalist from Ireland would be contested. Under such circumstances it was necessary to have about one hundred and forty to one hundred and fifty thousand dollars, as in Ireland a tax was exacted of from fifteen hundred to a larger sum, to be paid the county authorities before the name of any candidate could be announced.

I clearly recall the circumstances under which this despatch was received. One morning when I was about to undertake a most difficult surgical operation in my private hospital, being all dressed for it and my hands sterilized, while the patient was being etherized, the despatch was brought in and opened by one of the nurses not connected with the operation, and held up by her for me to read. The need of action in reply was so imperative I had to delay the operation until I could see the late Major John Byrne, the chairman of the Board of Trustees, who lived in the neighborhood, and I knew he had not yet gone to his business. I gave him the despatch and asked him to see Mr. Eugene Kelly, the treasurer, and tell him from

*"Incidents of My Life," PP. 289-92.

me that this was the opportunity of his life to insure his name going down to posterity in connection with that of Mr. Gladstone; that he was an old man and could not carry his money with him on his death, so I urged him to put up the whole one hundred and fifty thousand dollars, as a successful issue of this election might determine Ireland's future.

Mr. Kelly did not see the matter exactly in the light represented to him, nor did I expect him to do so, but he most generously gave twenty-five thousand dollars, and Major Byrne added five thousand dollars more. I telegraphed to Philadelphia, I think to Mr. Hugh McCaffrey, the vice-president from Pennsylvania and got ten thousand, and eight thousand more from Boston with the request that we would advance the two thousand to make it ten thousand and the sum advanced would be remitted in a few days, but it was forgotten by our Boston friends to do so.

We had a little less than a thousand dollars in our treasury, having but a short time before met the expense of making a personal appeal through the mail to over thirty thousand Irishmen throughout the country to aid in this election, but got scarcely any response. Mr. John D. Crimmins, who was present at the meeting called that afternoon and generously advanced five hundred dollars on the Boston account, as did others in smaller amounts, none of which was repaid. The result was that between five and six o'clock in the afternoon we were able to cable to Mr. Dillon a credit of fifty thousand dollars with the promise of those at the meeting to be personally responsible for the hundred thousand dollars in addition, if it could not be raised at home.

I learned from Mr. Dillon that he had gone to bed worn out with anxiety as to the uncertainty of their future, when, with the difference of time, he was roused about eleven o'clock by a noise on the stairway and knocking on his door. He, or some one else, told me that having been arrested and imprisoned before without a change of clothing, he took the precaution of emptying a drawer into a gripsack, which he had in his hand on opening the door.

Some of the members had come up from the office to notify him of the arrival of the money-credit from New York. A meeting was held and before daylight all the arrangements had been made for the election. And, as the saying goes, "Money makes money", by the remittance from New York, with the promise of more if necessary, their credit was established so that all further assistance needed was obtained among the friends of the candidates. The money received from New York insured the election of eighty-two National members from Ireland, and this gave a small working majority for the Liberal party of about fifty votes.

I sent Mr. Dillon a copy of what I had written and what the reader has just read, requesting him to let me know if the statement made was correct so far as he could recall the circumstances, for I had written entirely from my recollection. The following is a copy of his letter, so far as it relates of the subject under inquiry:

"2 North St. George St., Dublin,
"January 24, 1910.

"My dear Doctor Emmet:

"A thousand apologies for not having answered your letter of the 12th of December promptly. I put off writing, looking up papers trying to refresh my memory and then the avalanche of election work came on me.

"Unfortunately I have been unable to find any contemporary memorandum on the subject of your letter. But there can be no doubt that your main points are correct.

"1st. That the war chest was empty.

"2nd. That we were in the thick of the election of 1892, which brought Gladstone back into power, and led to the passage through the House of Commons of the First Home Rule Bill of 1893.

"3rd. That I was routed out of bed one night by your cabling ten thousand pounds; which more than paid the expenses of the election.

"4th. That but for the arrival of the cable the National body in Ireland might have been overwhelmed with disaster.

"Yours very sincerely,
(Signed) "JOHN DILLON."

It is a great satisfaction to be able to place on record this evidence of good work accomplished by the Irish National Federation of America. We can now scarcely realize what would have been the consequences to the Irish cause from the defeat of Mr. Gladstone at this particular time, which would have been inevitable without the support of the National members of Parliament received from the Federation, and how many years would have passed before the Irish leaders could have regained their position after the overwhelming disaster which would have followed defeat? From what Mr. Dillon has stated it would not be claiming over much that the Federation needed to have done nothing more to fully prove the value of the organization, than the saving of this election. The result fully compensated all who were engaged for the labor and care given to its administration. So perfect had the organization been accomplished that it was able in a little over eight hours to place in the hands of the Irish leaders a larger sum than has ever been sent at any one time before, and the claim would be equally good if the generous sum, contributed by Mr. Kelly be excluded.

The trustees and officers of the Federation who were present at the meeting called to authorize the sending of this sum pledged themselves personally to supply the hundred thousand dollars needed, in case the election was contested as had been threatened, but in consequence of the prompt action in remitting the fifty thousand dollars, we were not called upon to make good our pledge. Those in opposition were doubtless discouraged from contesting these seats, on learning our action. Moreover, in consequence as Mr. Dillon stated, our remittance was more than sufficient to meet the entire expense of that election for the Irish National members of Parliament.

A few days after five thousand dollars in addition was sent to the Federation in case it might be needed, and this not being the case was used for the general expenses of the National party.

I contemplate a people that have had a long night, and will have an inevitable day.
Cardinal Newman.

This work was completed in June, 1914, when the writer had already entered upon his eighty-seventh year; when a century had well passed after the apparent failure of the efforts of Thomas Addis and Robert Emmet to gain the liberation of their native land.

In conclusion, it may be stated that no leader taught the Irish people more than did Thomas Addis Emmet by his "Letters of Montanus", printed during 1798 in "The Press". There was no other leader, with the exception of Tone, had his life been prolonged, who could have accomplished so much. From a military standpoint, Robert Emmet pointed out and attempted to put into operation the only course by which Ireland's independence could be gained. His failure, as has been pointed out, was due alone to fortuitous circumstances which he could not control. This cannot be reiterated too often. The teaching of these two men exerted during the past century a widespread influence, the extent of which few realize, and the source of which has been long since forgotten.

Ireland can no longer be a source of profit, as it is England's settled policy that Ireland shall not prosper, and she will never follow in good faith any other course. Were it possible for England to lose sight of present gain or learn anything from experience she would wisely follow Sweden's course toward Norway, whereby she would receive a trustful ally and a support for the future to maintain her as a first-class power. She would, moreover, gain the only friend she could possibly secure in any quarter. The majority of Irish people are not loyal to England and never will be. It is as rational to expect it, as that the eel should tranquilly accept the situation while it is being skinned, notwithstanding the swearing fish-wife, whose grievance lies in the eel's want of appreciation of her efforts and benefits gained from the skinning.

The author made every effort to have his work published without delay, but was surprised to find more difficulty in New York than would have been met with in London, to have the publishing done without submitting to the omission and alteration of a number of passages which, it was claimed, would reflect on England's course in Ireland!

The result was "The Emmet Press", incorporated for the special purpose of having this work issued for the public as written and possibly the re-issue of some other works, if called for. In the preparation of the work nothing has been neglected by the Director of the Emmet Press and his associates.

Although the "Incorporation" is unknown to the printing craft, its purpose is made manifest in the result.

England has held Ireland in her grip for centuries, she has reduced her to an economic servitude, following on a political, religious and moral servitude unparalleled in the history of one white people with another. Those who think that the Britain of to-day is in essentials, any fairer in intention towards Ireland should ponder well the facts laid bare in the Queenstown controversy.

The Irish Review, March, 1914.

To destroy Ireland's commerce, to which end she has labored for centuries, all the English mail steamers were discontinued and Queenstown, like all her other noble harbors, left without direct communication with the outer world, except by Liverpool. This was done on the pretext that it was dangerous to take into the harbor the large mail steamers, and yet the harbor has since been crowded with England's largest naval vessels, ready to fire a broadside on the unarmed people with the slightest provocation! The showing of this spirit, as of old, but foreshadows the certainty of the issue as to Home Rule. England will never grant it willingly, and by some trick the proffer will prove a myth.

The Author.

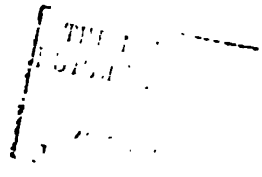
Unless we wish the Irish cause to die, unless we wish the last injunction of Emmet to be merely a memory instead of a beacon-light and an inspiration, then must we each become a veritable crusader and propound the doctrine of Irish nationhood in the face of all opposition and of all defeat. . . .

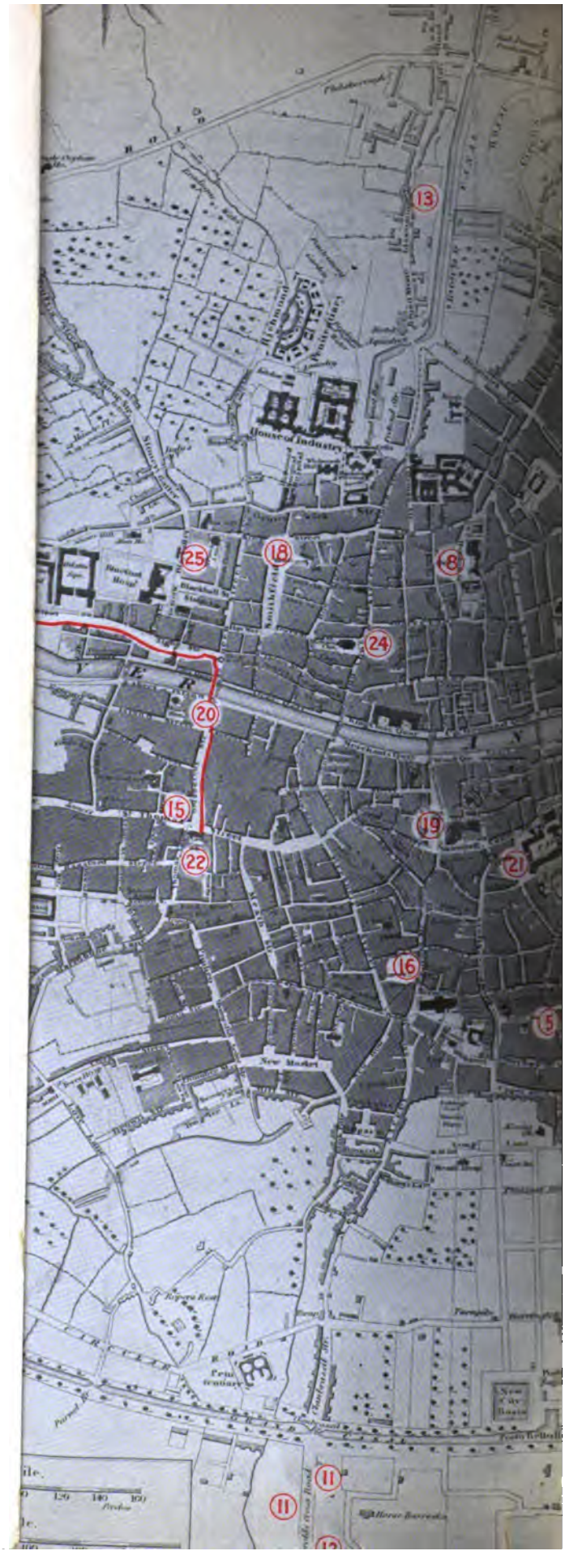
Were Emmet and his brother in the flesh—

"They would tell you, O men and women of Ireland to go out into highways and the byways, and preach if needs be from the very housetops that the hope of building up again on the western shores of Europe an independent Irish Nation in everything that the words independent and Irish mean, namely, a nation speaking its own language, thinking its own thoughts, creating its own literature and being moulded intellectually by it, having its own customs, its own manners its own ways, its own ideas and its own ideals, a nation absolutely self-centered, self-sufficient and self-sustained, that the hope of building up such a nation as this is not merely a dream, is not merely a vision, but is a live, mighty, vital, throbbing issue, for the accomplishment of which there are in and out of Ireland hundreds of thousands of men, aye, and women, who will face the cell and the ship, and the scaffold itself, as willingly as did those who fought at Aughrim and the Boyne and went down to death upon the unbroken ramparts of Limerick. They would tell you to proclaim in very trumpet tones that by the living God this land of ours, sanctified and made more than dear by all the blood poured out for its redemption shall not die, shall not perish, and shall not now at the eleventh hour barter her birthright for a mess of pottage and become a contented crown colony of England, but that she shall still live, still strive, still suffer, aye, and if needs be, again go down into the Valley of the Shadow of Death, rather than relinquish her inherent and her God-given right to be free. That right she never has relinquished and that right she never shall."

Peter Golden.
New York, 1914.

A DIA SAOR EIRE!

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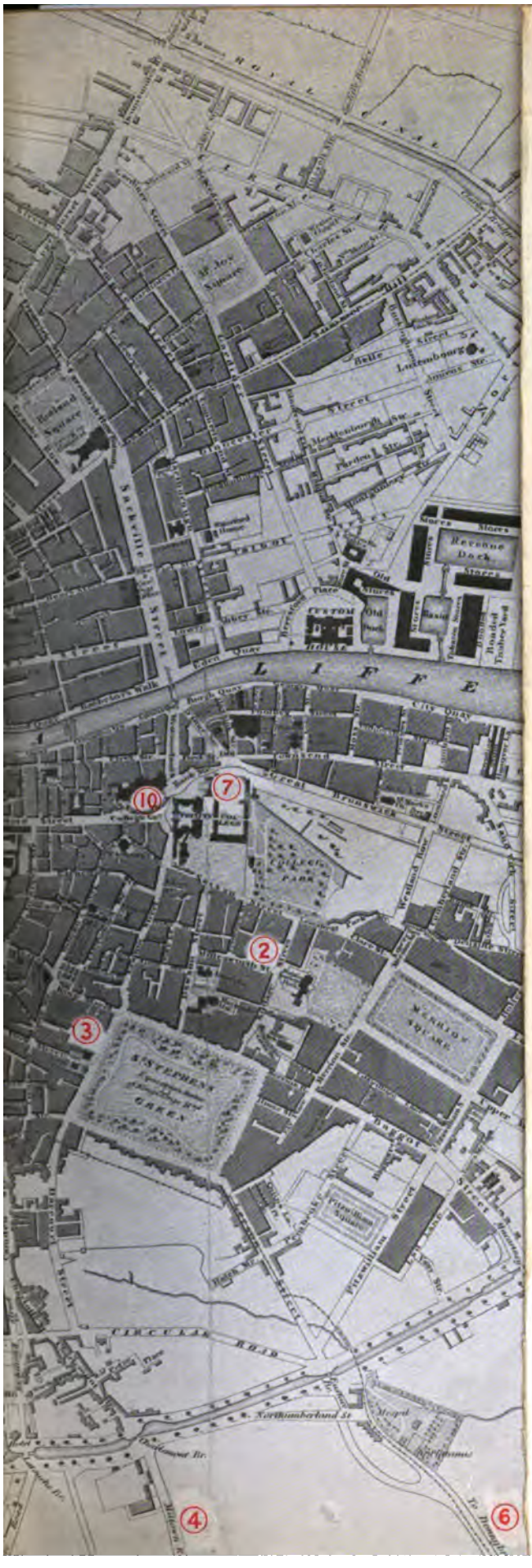
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Berkeley Sq.
Portland Place
Portland Square
Cavendish Square
Manchester Sq.
Portman Square
Bedford Square
Russell Square
Tavistock Square
Gordon Square
Fitzroy Square
Queen Square
Red Lion Square
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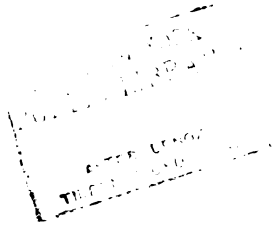

Man has a right to liberty, because he is a man—because God has formed him a moral agent, with certain powers of action leading to a certain end, to the proper exercise and enjoyment of which liberty of thought and of action is essential.

Robert Holmes.

Appendix

From the moment the first English adventurer landed in Ireland, the apparent destiny of nature was reversed, and war, and carnage, and civil strife, and religious dissension, and brutal manners, and brutal vices, barbarism and beggary, and dependence became the inevitable lot of Ireland.

Robert Holmes.

While England grew fat on the crops and the beef of Ireland, Ireland starved in her own green fields and Irishmen grew lean in the strife of Empire.

Sir Roger Casement, 1911.

The mind of a bigot is like the pupil of the eye, the more light you throw on it the more it contracts.

Thos. Moore.

Turn where you will these interests are in effective occupation. . . . England is the landlord of civilisation, mankind her tenantry, and the earth her estate.

Sir Roger Casement, 1911.

The aspirations of civilised man after freedom are coeval with his existence. His rights, like the mountain torrent, may be directed from their original channel, but cannot be effectually impeded in their course.

Whitty's Life of Emmet.

Note I

[See Vol. I, page 149.]

DOCUMENTARY HISTORY OF THE EMMET FAMILY.

For centuries the name of Emmet existed in England. The records of Oxford show that in one of the colleges of that university Henry Emmet received the degree of Doctor of Music, in the time of Henry II.

Burke, in his "Landed Gentry", claims that members of the family bearing the name of Emot and Emmott have been landholders in Lancashire since the days of William the Conqueror; and the name, variously spelled, is not infrequently found at the present day in that portion of England, as well as in the adjoining county of Yorkshire.

Burke states:

Of this family, established in England at the Conquest, the first on record is Robert de Emot, who held lands in Colne, 4 Edward II, as per inquisition; he built the mansion of Emot and died 1310.

The Shakespearean Society of England has published a document showing who were Shakespeare's neighbors in "Chapel-street Ward, Stratforde Borrough, Warwick". This document was doubtless made at a certain time of great scarcity as an inventory for ascertaining the quantity of grain held by each family in the town. It is indorsed: "The noate of Corne and Malte, taken the 4th of February, 1597, in the 40th year of the raigne of our most gracious soveraigne Ladie, Queen Elizabeth, &c".

"William Shackespere" is credited with "ten quarters", and "Wm. Emmettes" stock on hand is given as "eight quarters of corne". As there were but four other persons in the town who held a larger quantity, and but little in excess, it is apparent from this fact, and from the locality of his residence, that this Wm. Emmett in 1597 was a man of means and position in Stratford-upon-Avon.

The writer recalls a statement made to him in boyhood by one of the older members of the family that Thos. Addis Emmet had often referred to a tradition by which it was held that the first settlers in Ireland bearing the name of Emmet came from Co. Kent, England, and were in Cromwell's army. Yet, positive evidence has been obtained to show that while there were several of the name in Cromwell's army, settlement had been made in the country by individuals bearing the name prior to Cromwell's invasion. But it has been impossible hitherto to connect any Irish branch of the name with any English source, and in fact the relationship between the different families in Ireland has been equally difficult to trace.

Sir Bernard Burke, Ulster King-at-Arms, Dublin, was employed by the writer through a series of years to obtain from the public records in England and Ireland information pertaining to the different families bearing the name of Emot, Emott, Emmot, Emmott, Emet, Emett, Emmet, Emmett, Emmit, Emmitt, or otherwise spelled. As a result of this investigation it was found that there had existed no standard mode of spelling the name, and it was equally evident that in many instances the same individual had frequently varied his orthography at different periods of his life.

All the public records to which access could be had were carefully and systematically examined under Burke's direction, and copies were made of every document in which the name appeared. This procedure was necessary to insure the obtaining of the needed information, for nothing could be left to the discretion of the searcher. The investigation was persevered in, although it was soon realized that the greater portion of the material thus collected would prove of little value and would not even be worthy of preservation.

It appears that during the reign of Charles I, there were members of the Emmet family settled in four different counties of Ireland, viz: Waterford; Limerick; Tipperary; and Kildare——between whom, no relationship can now be traced. But it is worthy of note, in this connection, that there existed a similarity in the Christian names of these several branches, and that these names had been continuously used by the immediate ancestors of the extant family of Emmet.

The following are the details:

I. Co. Waterford. A Robert Emmet was residing at Dungarvan (in that county) in 1661, and had then living two sons, John and Robert. He died that same year, as appears by his nuncupative will in the following words:

The last will and testament of Robert Emmet of Dungarvan, in ye diocese of Lismore, is acording to ye testimony of John Emmet, son of ye said Robert, and Charles Geary, souldiar, being sworn upon ye holy Evangelist ye 21 day of November 1661, as followeth—The said John Emmet and Charles Geary doe say that Robert Emmet left unto them, ye said John Emmet & Robert Emmet his sons, two brewing pots worth about three or four pound sterls.

In the Patent Rolls of the precinct of Dungarvan, Co. Waterford, appear the following words in a patent dated 22 May, 1666, which most probably refer to the John Emmet above named:

A cabbin, backside, & garden, now or late in the possession of John Emmet, and so returned, the property of John House, the yearly quit-rent thereof is one shilling & six-pence.

No further reference to this branch or of any other in connection with the town of Dungarvan appears in the public records.

II. Co. Limerick. This branch was possessed of fee-simple property in the Co. Limerick, and appears to have become extinct in the male line about 1709, when the lands devolved upon Thomas Moore, the nephew of the last Emmet proprietor. The branch was founded in Limerick by William Emet, who was a debenture-holder under Oliver Cromwell's government, and served in the army subsequent to the Rebellion of 1641. He married Katherine, daughter of Mrs. Elizabeth Aldwick, and had at least three children:

A. Thomas, son and heir, was joined with his mother in a Chancery suit against [Col.] Hugh Massy in 1698. He married Jane Godsell, and died intestate in 1709, when his property seems to have then become vested in his sister's son. He made a settlement on his marriage, February 2d, 1690, a copy of which is not now to be had, but the original is referred to in a deed of April 5th, 1711, to be hereafter given.

B. A daughter, married a Mr. Moore, and had three children:

1. Thomas Moore, of Cregg, Co. Cork, in 1711 was in possession of Bulgadeen, the Emet estate, when he sold it to the ancestor of Lord Carbery.

2. Katherine Moore, married Mr. Nebane, and is mentioned in her brother's deed of sale of Bulgadeen.

3. "Maryanne" Moore, also mentioned in her brother's deed of sale.

C. Martha, married Lewis Farrell, and is mentioned in her nephew's deed of sale of Bulgadeen.

The following statements are fully proved by documentary evidence, from which the following are extracts:

1. The Chancery bill, filed May 20th, 1656, Wm. Emet and Katherine, his wife, *v.* Waterhouse, states that about eighteen years previous [1638] Mrs. Elizabeth Aldwick, deceased, mother to said Katherine, lent Charles Waterhouse, deceased, one hundred pounds, whose widow, Ethelread Waterhouse, acknowledged the said debt. That Maryanne and Sarah Waterhouse, sisters of the said Charles, are his executors, &c., &c.

2. Chancery bill filed June 19th, 1656, Emet *v.* Howard, states that William Emet of Bulgadmeedy, Co. Limerick, gent., did lend Edward Howard, of Athboy, Co. Meath, clerk, forty pounds, for which he passed his bond May 8th.

3. Chancery bill filed July 4th, 1698, Emet *v.* Massey:

The plaintiffe, Katharine Emet, widow of William Emet, of Bulgadmeedy, Co. Limerick, state that this William Emet was entitled in fee to fifty-two acres of Bulgadmeedy and other lands in said Co., which were set out and distributed to him for his debentures and services in the Rebellion of 1641. That to save expense he allowed his lands to be included in the patent of Hugh Massy, that he enjoyed said lands until his death in 1682. That by his will he devised the said lands to his wife and children. That the said Hugh Massy, by his lessee John Harrigan, has brought an ejectment in Common Pleas against the plaintiffe, &c., &c.

4. Prerogative Court of Ireland, Feb. 18th, 1709. A commission to swear Anne Emmett, widow and relict of Thomas Emmett, late of Bulgadeen, Co. Limerick, deceased, intestate, issued, directed to Connell Verekar, Amos Godsell, and James Webb, gent.

5. Administration of the goods, &c., of Thos. Emmett, late of Bulgadin, Co. Limerick, deceased intestate, was granted March 20th, 1709, to Anne Emmett, his widow and relict.

6. "Deeds of Lease and Release 4 and 5 April, 1711, Moore to Evans, Reg. Deeds, B 6 fo. 415, No. 2362". Thomas Moore, of Cregg, Co. Cork, gent, to George Evans, the younger, of Ballyadinfox, Co. Limerick, in consideration of nine hundred and fifty pounds. A grant, bargain, sale, &c., &c., two hundred and twelve acres of the Castle, Town, and Lands of Bulgadinedy and Ballykeine, in Barony of Cashlea, Co. Limerick, the lots and interest formerly of Capt. Hugh Massy, Lieut. Richd. Grice, Corporal William Emet, Katherine, his wife, Lewis Farrell, Martha Farrell, his wife, daughter of said William Emet and said Katherine, Thomas Gaven and Martha Cravidge, and lately the possession and inheritance of Thomas Emet, deceased, saving to the said Katherine Emet for her life the benefit reserved in Art. dated Feb. 2nd, 1690, made between said Thomas Emet deceased, and Anne, his wife, daughter of Amos Godsell, gent., and saving to said Anne the yearly rent of eight shillings per acre secured to her by the said Thomas Moore by deed March 25, 1710, indemnified against Katherine Nebane and Mary Moore, sisters of said Thomas Moore, and all others.

7. Deeds of Lease and Release, April 21 and 22, 1710, Wear to Evans, Reg. Deeds, B 5, fo. 50, No. 1275. Christopher Wear of Bulgadinedy, same co., in consideration of three hundred pounds, grant, bargain, sale, &c., &c., of the Castle, Town and Lands of Bulgadinedy and Bally Kline, Barony of Cashlea, and Co. Limerick, as same were lately held by Corporal Wm. Emet, deceased.

8. Deed August 20th, 1711, Emet, alias Aldwick, to Moore, Reg. Deeds, B 6, fo. 419, No. 2371. Katherine Emet, alias Aldwick, of Bulgadinedy, Co. Limerick, widow, to her grandson, Thos. Moore, of Creg, Co. Cork, gent^{n}, in consideration of her natural love and affection for her well-beloved grandson, gave, granted, &c., &c., to the said Thos. Moore, all goods, chattels, leases, debts, right, title, &c., &c., of the estate of her son, Thos. Emet, of Bulgadine, Esq^{r}., late deceased, reserving unto her, the said Katherine, for and during her natural life, twenty-two acres and the house she lives in and houses in the town of Kilmallock.

Every endeavor to trace the male descendants of Wm. Emet, the grantee of Bulgadeen, has failed. Thos. Moore, his grandson, appears to have inherited the lands as heir-at-law of his maternal uncle, Thomas Emet, in 1709, and then to have sold the land to George Evans in April, 1711, and to have got an assignment from his grandmother, the following August, of whatever interest she had in the lands, so as to make the title to Evans.

III. Co. Tipperary. The first of the name to be found connected with this county, which adjoins Co. Limerick, was William Emet, of Capon Garon, or Cappanagarron, Co. Tipperary, whose will, dated February 3, 1671, was proved July 22d, 1672; so that he was a contemporary of William Emet, of Bulgadeen. He married Katherine ———, who was executrix of his will, and to whom he bequeathed for life his leases, Capon Garon being one of them. But he does not mention any children, and probably had none, as it is disclosed by his will that he "ordered" his kinsman Henry Emet, residing in England, to come over to Ireland, and bequeathed to him the leases after the death of his wife. Cappanagarron was probably the fee-simple of Thos. Clear, of Drangan, in the same county, one of the overseers of William Emet's will, and he had a son, John Clear, also mentioned in the will. The lease ran out and expired in 1724, for in that year John Clear, of Newborn, in the same county, made a fee-farm grant of the lands to one William Nicholson.

Although William Emet refers to Henry Emet as "his kinsman" it appears very probable that he was his nearest relative, and possibly a nephew, for William settled his lands on Henry, and *not* on his brother George, to whom he only made a small bequest. The following details refer to the foregoing:

1. Will of William Emet of Capon Garon, in the Co. Tipperary, dated Feb. 3, 1671, codicil 14th of same month, probate July 26th, 1672. Wife, Catherine Emet, to be executrix, and to enjoy testator's leases during her widowhood. Mr. Thos. Clear, of Drangan, and Mr. John Read, of Slanestown, both in Co. Tipperary, to be overseers. Bequests to John Clear, son of Mr. Thos. Clear, and Elizabeth Read, daughter of Mr. John Read.

"As I expect out of England a kinsman of mine to come hither, according to my order, whose name is Henry Emet, &c". Reversion of the leases of Capon Garon after the death of the testator's wife. Kinsman Henry Emet not to have power to dispose of the leases of Capron Garon "to any Irishman whatsoever, or to any other person without the consent of the overseers".

2. Deed of lease, 3rd Nov., 1724, to Nicholas, Reg. Deeds, B 43, fo. 47, No. 2768. John Clear, of Newborn, Co. Tipperary, and Elizabeth, his wife, to William Nicholson. Fee-farm grant of the lands of Cappanagarron, Co. Tipperary. Thomas Emet, of Capagh near Nenagh, Co. Tipperary, aged 40, June 29, 1742, also signed his name as Thomas Emiott and at other times Ennott or Emiett. Edward Emett, of Co. Tipperary, whose wife was named Hanna, died before 1681.

John Emmott, of Dromard in the parish of Killavenock, Co. Tipperary, signed Admoni Bond 27th May, 1696, at Cashel. Elizabeth, his widow, administerel on his effects.

Thomas Emett, of this County, witness to the Will of Thomas Simpson, 1720, and Mary, his wife, were living in 1734. They were the parents of Christopher Emett, of Tipperary, the father of Dr. Robt. Emmet.

Christopher Emett describes himself in his will dated April 20th, 1743, as "Christopher Emett, of the town of Tipperary, in the Co. Tipperary, Gent^{n}." He held leases of the fairs and markets of Tipperary, *id est*, of the tolls or customs of the fairs and markets. His wife, Rebecca Temple, daughter of Thos. Temple, Esq., was born about 1700, and died in Molesworth Street, Dublin, November 24, 1774. She was buried at St. Anne's Church. By her he had two sons:

1. Thomas, who died intestate. Administration was granted to his widow, 1754. He married Grace, daughter of William Russell, and had one child, who died young and was buried with its father in Tipperary. His widow survived him many years, and by her will, proved in 1787, entailed property in Co. Limerick on her brother-in-law, Robert Emmet, and his sons.

II. Robert, Doctor of Medicine, resided first in the city of Cork, afterwards in Molesworth Street, and on St. Stephen's Green, Dublin, and finally at his country place, Casino, Co. Dublin. He was born 1729, and died December 9th, 1802, aged seventy-three.

He married (settlement dated November 15th, 1760), Elizabeth, daughter of Mr. James Mason, of Cork, who died September 9th, 1803, and was buried the 11th of September, in St. Peter's Church, Dublin; and had issue:

1. Christopher Temple, born 1761, married, 1781, his second cousin, Anne Western Temple, daughter of Robert Temple, Esq. Died 1789, leaving one child.
2. Henry, died shortly after birth and not mentioned in the family Bible record.
3. William, born April 24, 1763. Died young.
4. Thomas Addis, born in Cork, April 24th, 1764. Married Jane, daughter of Rev. John Patten, and had issue. Died Nov. 15th, 1827.
5. A stillborn child in 1765.
6. Catherine, born July 3rd, 1766. Died young.
7. James Mason, born June 15th, 1767. Died young.
8. Rebecca Harriet, born July 30th, 1768. Died young.
9. Anne, born August 8th, 1769. Died young.
10. Elizabeth, born August 8th, 1770. Died young.
11. Robert, born Sept. 8th, 1771. Died young.
12. John, born Sept. 3rd, 1772. Died young.
13. Mary Anne, born Oct. 10th, 1773. Married Robert Holmes, Esq. Died 1804. Had one daughter, Mrs. Lenox-Conyngham.
14. Robert, born 1774. Died soon after birth.
15. Robert, born 1776. Died soon after birth.
16. Robert, born 1777. Died soon after birth.
17. Robert, born March 4th, 1778. Executed September 20th, 1803, for participating in the uprising of the people in Dublin, July, 1803.

In one of the church records of Cork it is shown that Henry, a son of Dr. Robt. Emmett, died shortly after birth and was buried there. He was doubtless the second child, born between Christopher Temple and William, but this birth is not recorded in the Bible which belonged to the widow of Thomas, the brother of Dr. Robt. Emmet, and from which the above was copied. But as the record was evidently made during the latter portion of her life the omission might have readily occurred.

Christopher Emett, or Emmett, of the town of Tipperary, had six brothers and sisters living in 1734, but at the time of his making his will, he did not mention any of them by name except his brother William, to whose son Christopher, he left a bequest.

The following extracts from wills, etc., refer to this Tipperary family:

1. Will of Christopher Emett, or Emmett, as he varied the spelling, of the town of Tipperary, in the Co. of Tipperary, gentn., dated April 20th, and proved Nov. 14th, 1743. Mentions leasehold and freehold estates and interest in the fairs and markets of the town of Tipperary.

Wife, Rebecca Emett; sons, Thomas and Robert Emett, both under age, leasehold and freehold estates. Sisters-in-law, Elizabeth Temple, of Dublin; Agnes Cuthbert, of Castlebar. His brothers and sisters, not named, to have residue of his property. His brother, Wm. Emett, and nephew Christopher Emett, son of his brother, William, were also mentioned.

His sons were not to marry before they attained the age of twenty-two years, without the consent of his wife, Joseph White, and Ambrose Harding.

The executors were his wife, Joseph White, Ambrose Harding, and Samuel Taylor, of Waterford.

2. Prerogative Court, Ireland, Commission to swear Grace Emett, widow and relict of Thomas Emett, deceased, intestate, issued June 8th, 1754, directed to Richard Sadlier, Alexander Hoops, Rudolph Hoops, and ———, June 19th, 1754. Administration of the goods, &c., &c., of Thos. Emett, deceased, intestate, was granted Grace Emett, his widow, and relict.

The will of Grace Emett, or Emmett, of Tipperary, widow of Thomas, dated April

9th, 1788, and approved June 18th, 1789, directed that she be buried in the churchyard of Tipperary, in the grave of her husband and their child, and that she be placed over them. It mentions the following persons:

Her Cousins—Elizabeth Smithwick and Anne Neave.

Other Legatees were Anne Pope, Charlotte Grades, John Power, and Felix Prichett.

Nieces—Elizabeth Butler and her children, Richard, Mary and Elizabeth Butler, and Margaret Baillie and her daughter, Frances Baillie.

Cousin—Solomon Delane and his daughter Grace Delane, Samuel Delane, and James Sadlier, of Cork.

Sister-in-law—Mrs. Elizabeth Emmett, was to receive a gold watch, and also mentioned.

Nieces—Mary Power and Hannah Prichett, and her

Maid—Mary Hogan.

To Thomas Addis Emmet, her nephew, she gave a ring to be marked T. A. E., and a bequest to his sister Mary Anne Emmet. She also made a bequest to Richard Sadlier, of Tipperary, to Mrs. Frances Allen, Anne Taylor, Jane Western, and Susannah Bowes.

The residue of personal property was bequeathed to Mary Power, Hannah Pritchett, and to Robert Emmet, M.D.

The lands of Raheen, Kyle, Crossoil, Bakercron, and Keelogress, Co. Limerick; Dromline Castle-Corr, Lafolly, Templenehurney, Ballyea, Coolnedrisga, Lismacree, Shaghmacevel, and Corroglepoor, Co. Tipperary, were left to Robert Emmet, M.D., for life, in consideration of one hundred pounds he was to pay the child of Temple Emmet, deceased, and fifty pounds to Mary Anne Emmet, and the remainder went "to Thomas Addis Emmet for life, rem^{r} to his heirs male, in default remain^{r} to Robert Emmet, jun^{r}."

3. Will of Robert Emmet, of Casino, near Miltown, Co. Dublin, Doctor of Medicine, dated February 3d, 1800, and proved January 10th, 1803. He gave to the eldest son living, Thomas Addis Emmet, the lands of Knockena, Co. Kerry, charged with two thousand pounds. To his wife, Elizabeth Mason, the lands of Ballydoune, Co. Kerry, as settled on her marriage, to go to his daughter, Mary Anne Emmet, wife of Robert Holmes, and his son, Robert Emmet. The following is in relation to his granddaughter, Katherine Emmet, daughter of Christopher Temple Emmet:

> Whereas, Harriet Temple, widow of Robert Temple, was entitled to retain till her death, part of the fortune of Anne Western Temple, now Emmet, daughter of Harriet, and mother of my said granddaughter.

IV. Co. KILDARE. The only member of the family appearing in this county is John Emmot, whose will, dated at Ballymorane, Co. Kildare, January 17th, 1694, was proved in the diocese of Kildare on the 23d of the same month.

To his brother, William Emmot, of Dublin, [living in 1705] he left a score of ewes and lambs, to be chosen at shearing time by Samuel Watson and John Bancroft.

To his sister, Elizabeth Taylor, he made a small bequest; and he acknowledged a debt of two guineas to his brother, Robert Taylor.*

John Emmott, of Dublin, Merchant, married July 11th, 1715, Anne, daughter of Thomas Thompson, of Rich Hill, Co. Armagh, whose will was proved April 6, 1721, in Dublin. He was trustee to the marriage settlement of Francis Taylor, of Nenagh. Living July 14, 1735, co-executor to the will of Richard Marples, 10 July, 1728.

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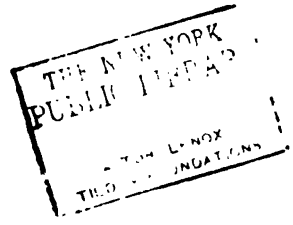
*This Robert Taylor made a will October 6th, 1705, appointing his wife executrix, and William Emmott and John Howard, of the city of Dublin, executors. He gave to his sons John and William Taylor one hundred pounds each, and to his daughter Elizabeth fifty pounds, and fifty more after her marriage, under certain conditions—"but if my daughter Elizabeth Taylor shall put my executors to any trouble about John Emmott's legisie, that then I doe cut her off." "Item, I give to my brother William Emmott twenty foot of land on the key and ninety foot deep during his natural life."—Prerogative Will Book, 1703-6.

From these wills it is made evident that Robert Taylor had married Elizabeth, the sister of John Emmott, of Dublin, and of William Emmott, of Co. Kildare. The name of this family is found spelled both Emmott and Emmett.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Tombstone of Christopher Emett in the Parish Churchyard at Tipporary, Ireland

These were some of the names of persons living in Dublin cotemporary with Christopher Emmett, of Tipperary, and they intermarried with people of the name of Taylor. The following extracts of deeds and wills refer to them:

1. Deed dated July 19th, 1734. Reg. Deeds, B 77, fol. 341, No. 53910. Recites a deed dated July 11th, 1715, the parties to which were William Taylor, of Dublin, cabinet-maker; Francis Taylor, or Nenagh, talloe chandler; John Emmett, William Coates and Thomas Coates, all of Dublin, merchants, and Elizabeth, alias Taylor, of Blackpit, Co. Dublin, widow of Joseph Coates, late of Blackpit. Being a settlement made of the marriage of the said Francis Taylor and Elizabeth Coates.

2. Will of William Emett, of Dublin, "formerly in the Battle Axe Guards", dated the 23d of September, 1757, and proved the 5th of October, 1762. All his valuables were left to be equally divided between his wife Isabella and his son Thomas Emett, when he attained the age of twenty-one years. His estate consisted of personal property and no lands. This Wm. Emett, "formerly in the Battle Axe Guards", was a witness for Christopher Emet, in a suit of "Rodwell *v.* Emmett", in 1741.

3. Will of Thomas Emmott, clerk of George Simpson, Esq., dated the 17th of January, 1760, and proved on the 3d of September, 1764. He directed that he should be buried at the north side of St. Doolack's churchyard in Fingall. He mentioned his

Nephews—George Emmott, Daniel Parker, and John Parker.

Nieces—Sophia Emmott, Jane Morgan, and Jane Emmett [sic], wife of James Plant. His *Friend and* Master, George Simpson, as residuary legatee and executor.

In answer to an application made to the rector of the Church of England in Tipperary, it was ascertained that the parochial register of that town did not go further back than 1779. But in relation to the Emmet family the rector, however, sent a copy of an inscription found on a headstone in the churchyard, viz.:

Here Lyeth y^{e} Body
of Christopher Em
ett, who departed
this Life y^{e} 26th of
August anno Dmi
1743. In y^{e} 41st year
of his age.

This inscription has been reproduced in facsimile, and will be found in the chapter on the Emmet family in the United States of America.

The following notices of the Emmet family were extracted from the parochial register of St. Mary, Shandon, Cork—Baptized March 31, 1734, John, son of John Emmett; baptized July 19, 1740, Elizabeth, daughter of John Emmett, and the following from the parochial register of St. Peter's parish church, Cork:

1746, Oct. 29th. Mary Emett, baptized [unknown].

1761, Oct. 28. Christopher Temple [son of Rob^{t}. and Elizabeth Emmett] baptized.

1764, May 20th. William Emmett, buried [unknown].

From the register of St. Finbarr's parish church, Cork:

1769, August 15th. "Infant child of D^{r}. Emmet", buried.

1769, Dec. 26th. Mason, "son of D^{r}. Emmett", buried.

Amongst the assignments in the Auditor-General's office is an appointment dated January 28th, 1711, by the Marquis of Harwich, son and heir of the third Duke of Schomberg, to Henry Emmet and John Loudon, merchants, both of London, contractors for "clothing and accoutrements" for the regiment commanded by the Duke, authorizing them to receive from the Irish Establishment two thousand eight hundred pounds, the amount of their account.

In 1726 a Privy Seal, dated the 17th of September, directing Letters Patent to pass in Ireland granting a pension of one thousand pounds per annum for eight years, charged

on the Irish Establishment, to John Emmett, Esq., and pursuant thereto Letters Patent passed the Great Seal September 17th, 13 George II. This John Emmett., Esq., resided subsequently in London, as appears by a power of attorney dated January 7th, 17$^{36}/_{37}$, from John Emmett, of London, Esq., and of St. Andrew's parish, to Theophilus Clements, Teller of the Exchange in Ireland, to receive his pension of one thousand pounds per annum. He died some time in the year 1727, and, as can be seen by the list to be given of wills admitted to probate in London, administration of his will was granted to his widow August 23d of that year. He divided his effects equally between "Elizabeth my wife and my son Henry." The following year, on September 17th, "Elizabeth Emmet, widow and executrix of John Emmet, of London, Esq. . . . gave a power of attorney to John Balagher, of Dublin, to receive her 'late husband's pension of one thousand pounds per annum.'"

February 4th, 1782. A grant was made to Robert Emmet, Doctor of Physic, of Dublin, in trust for Harriet Temple, widow of Robert Temple, and her three daughters, Anne, Mehatable, and Harriet, of the yearly pension of fifty pounds each. This was probably granted by the British Government as compensation for the loss of property sustained by Robert Temple, as a loyalist, at the beginning of the American Revolution.

April 17th, 1788. A grant was made to Thomas Addis Emmet, Physician to H. M. State in Ireland, of one hundred and sixty-five pounds per annum additional salary. This was for a short time while Dr. T. A. Emmet filled the position of State Physician previously held by his father.

January 30th, 1817. A grant was made to Mary Sadlier of the estate of Robert Emmet, attainted.

This property had been bequeathed by Grace Emmet to her brother-in-law, Dr. Robert Emmet, a residuary legatee, and on the death of the father it should have been inherited by Thomas Addis Emmet, but his political disabilities were a bar, so it passed to the younger brother, Robert, and after his execution it was held by the British Government. Doubtless influence was brought to bear so that it reverted to one of the Sadlier family, who was a relative of Mrs. Grace Emmet, the original owner of the property.

A special search was made in the Prerogative Court of England through the wills and administrations granted under the name of Emmet, from 1699, to connect, if possible, John Emmett, the pensioner of one thousand pounds per annum in the Irish Establishment, or some other English branch, with Christopher Emett of Tipperary, the father of Dr. Robert Emmet, but no connection could be traced.

At a subsequent date a more extended search was undertaken for the same purpose, and the list of wills examined indicates the portions of England visited and where these were recorded. The following wills and administrations appeared on the evidence, under the various modes of spelling the name, from 1699 to 1751, inclusive, and all the individuals were connected directly or indirectly with London:

1704. Emmett, Benjamin, London.
1704. Emmett, George, admin. to wife, London.
1708. Emmett, George, Middlesex.
1710. Emmett, Thomas, Kent.
1713. Emmett, Edward, Devon.
1717. Emmett, George, Devon.
1718. Emet, Benjamin, London.
1718. Emett, Theophilus, London.
1718. Emet, Mary, Bucks.
1719. Emmet, Maurice, Surrey.
1720. Emmet, Edward, died abroad.
1723. Emmet, Edward, Middlesex.
1727. Emmet, John, London, admin. to wife.

1727. Emmet, Harriet, Middlesex.
1727. Emmet, James, London.
1734. Emmet, Thomas, Middlesex.
1734. Emmet, Maurice, Surrey.
1735. Emmet, Stephen, Middlesex.
1736. Emmet, Henry, Middlesex.
1738. Emmet, John, Middlesex.
1738. Emmet, William, Middlesex.
1738. Emmet, Thomas, Middlesex [see uncle's will, 1734].
1739. Emmet, Mary, Middlesex.
1746. Emmet, Anne, Herts.
1746. Emmet, John, Herts.
1751. Emmet, John, Middlesex.

The following is a list of all wills and administrations which appeared under the name of Emet, or varied orthography, in the Index of the Prerogative Courts, from 1600 to 1705, both inclusive. The indices of the separate jurisdictions of the Bishop of London, the Commission, and the Consistory Court of London were searched, but it was found that the name did not appear in either of these.

1612. Emette, Anthony, alias Taylor, of Malmesbury; his will cites as legatees Jane his wife and his son Thomas.* Also mention is made of Mabel and Alice, daughters of the said Thomas, Alice his daughter, wife of Robert Archer, and their son Anthony, and "my kinsman Anthony Emette, alias Taylor".

The following is a list of wills inspected and on record in different parts of England:

1641. Emmett, Alexander, Southampton.
1642. Emmett, Alexander [no place given].
1645. Emmott, William, Southampton.
1646. Emmett, William, of Cobham, Surrey, administration, P. C. C. to ceditor, had two sons, William Emat and James Ematt, whom the father cut off with one shilling in 1650. Had also a daughter, Martha. Robert had two daughters, Mary and Agnes.
1647. Emmott, William, of St. Sepulchres, London.
1648. Emett, Elizabeth [no place given].
1650. Emmott, Robert, Kent.
1651. Emott, James, York. Supposed to have been one of the founders of Perth Amboy, New Jersey, and the ancestor of the Emott family, of Poughkeepsie, N. Y.
1652. Emott, John, Middlesex. Will proved in the Prerogative Court of Canterbury.
1654. Emmott, William, York.
[Mentions his widow Margaret, and no other name].
1654. Ematt, William, of Pirford, Co. Surrey, and Cobham, *alias* Coleham.
1656. Emott, Nicholas, son of William, Co., York, Middlesex. Will proved in London—brother, Lancelott, executor. Had a brother, Anthony, living 1655.
1657. Emmatt, Robert, Pyrford, Co. Surrey. Will proved P. C. C. Had a son, Robert, and daughter, wife of ——— Bullen, when the will was drawn 1756.
1657. Emmet, George, Pyrford.
[This will mentions Susan Bullen, his daughter, "My natural son Robert," and Mary and Agnes, his other daughters, besides John and Sarah, children of his daughter Susan Bullen, and his wife Agnes.]
1658. Emmott, George, York, administration.
1659. Emott, Nicholas, Kent.

* A curious relation is again found existing in connection with the two names, and where one of the families of Emett, evidently for some special reason, assumed the name of Taylor, and another instance is given in 1677 of an Emmott, alias Taylor.

1659. Emette, *alias Taylor,* Thomas, of Cirencester, administration with his sister, Margaret Langford.
1664. Emott, of Barnstaple, Co. Devon, Gent. Proved 18th Nov. at Exeter, his wife Elizabeth, administrator, with her son, Richard Emott, of Barnstaple.
1675. Emmat, William [no place given], administration.
1677. Emmott, *alias Taylor,* Alexander, Gloucester.
1677. Emmotte, Alice, widow of John, *alias Taylor,* of Cirencester, Co. Gloucester, will proved 30 May. Had two daughters, Jane, wife of Isaac Small, and Amy, wife of Thos. Small.
1682. Emmett, Lancelot, administration.
1690. Emmett, George, Middlesex. Will proved at Canterbury.
1690. Emmett, Anthony [no place given].
1690. Emmott, William, or Walter, Middlesex, wife Mary.
1691. Emmott, John, Middlesex, will proved at Canterbury.
1692. Emmett, Maurice, Middlesex.
1704. Emmett. The will of Anne, sister of Grace Rabey. Will proved at Exeter, 12 June, 1704, her son, John Emmott, was executor to his mother's will.

The register of St. Peter's Church, Cornhill, London, records the following marriage:

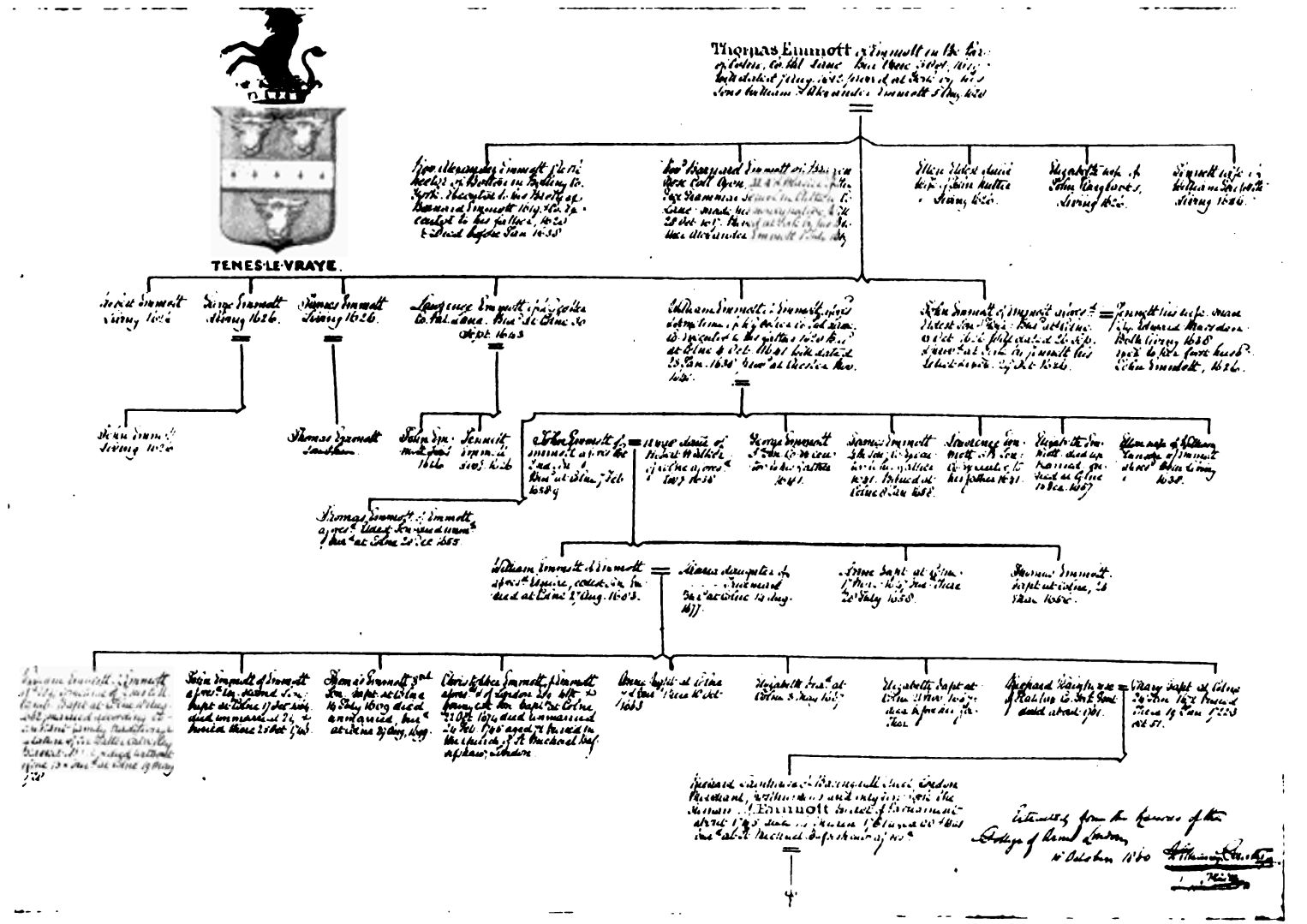
Robert Emmet, of St. John Wopping, Middlesex, and Bethea Parsons of the same place, on 16th December, 1734. Licence.

The chief difficulty met with in tracing a relationship between the different individuals whose wills were placed on record, and who were doubtless more or less closely connected by family ties, is due, as already stated, to the varied modes of spelling the name; not only among different members of the same family, but individuals even frequently followed no fixed rule for any length of time. We shall see hereafter that Dr. Robert Emmet, of Dublin, varied the mode of spelling his name not less than four times in the latter portion of his life.

It would seem, after looking over these wills, that William Emmett, of Surrey, whose will was admitted to probate in 1646, was the father of William Ematt, of the same county, whose will was proved in 1654, and of his brother, Robert Emmatt, whose will was placed on record in 1657.

So far as we can rely upon circumstantial evidence, we are justified in the belief that all those bearing the name, and who, during the seventeenth century, were living in Co. Kent, Middlesex, Surrey, and London, were all closely connected, and that from some of these families the Irish settlers of the same name came. Appreciating fully the importance of the statement made by Mr. Emmet, the grandfather of the writer, that the first settlers of the name in Ireland came from Co. Kent, especial search was made in that neighborhood. But no trace of the name was found there previous to the record of the will of Robert Emmott, in 1650, and of Nicholas Emott, of the same county, in 1659; and we find the will of Nicholas Emott (evidently a relative) offered in 1656, and of John Emott in 1652, both of the County of Middlesex. Robert Emmott was apparently the father of Nicholas, of Co. Kent, and the grandfather of Nicholas and John, of Middlesex; or he may have been the grandparent of Nicholas and the father of John. This Robert Emmott was probably a settler in Co. Kent from Lancashire, as may be inferred from a pedigree of the Emmott family to be given hereafter.

The only family of the name in London at this period was that of a William Emmott, whose will was admitted to probate in 1647, and it is not improbable that he was a near relative, if not a son, of Robert, of Co. Kent. No further trace of the name was found in London until the visitation of 1687, when the return was made of the family of Maurice Emmet, who had five sons—William, Maurice, Richard, George and Henry. This return was signed by Henry Emmet, who stated that he was descended from Emmet of Emmet Hall, in Lancashire. He claimed, as granted by the Herald, the right to use the arms



Pedigree of the Emmott family of Emmott Hall, near Colne, Co. Pal. Lancashire, England

which he exhibited, and these are the same as were at that time borne by the Emmott family of Emmott Hall, Lancashire. This London family had an estate in Middlesex, where Maurice Emmet died and where his will was offered for probate in 1692. In this connection it is of interest to trace the recording of the wills of other members of the family in this county. It is possible that this estate was inherited from John Emott, already referred to, of Middlesex, whose will, as shown, was proved in 1652.

Considering the statement of Mr. T. A. Emmet, and the testimony of Henry Emmet, of London, treated of at greater length in another place, it is by no means improbable that the Emmet family of Ireland, which settled in the United States, was descended from either the Emott or Emmott family of Lancashire through Robert Emmott, of Co. Kent, and his son, John Emott, of Middlesex, or from William Emmott, of London, who may also have been a son of Robert.

The following has been taken from the Church records of England previous to 1700, the date of the birth of Christopher Emett:

1588. Thomas Emett, buried at St. Andrew's Plymouth, 18th June.

1597. William Emotte, buried at Ilfracombe, Devonshire, with his son John on 7 December and 11th inst.

1599-1600. John Emmett married Agnes Rogers at St. Andrew's, Plymouth, 4 February.

1601. Richard Emmotte married Julyan—at Ilfracombe, 22 June, and had:

1. John Emot, of Ilfracombe, Bapt. there 6 Oct., 1602 and died 20 Dec., 1674.
2. Rich^{d}. Emott, of Ilfracombe, Bapt. 3 June, 1604; married Elizabeth Dyers, at Ilfracombe, 6 Nov., 1623, and had two sons and 3 daughters who died; without record of children.
3. Cicely Emott married George Libone, 7 Sept., 1627.
4. Dorothy bapt. 11 August, 1611.

1603. Edward Emmet, married Christian Snowe (first wife) 8 August and died May, 1623, who had: Edward, Cicely, Julian, Joane, Jane, Ann, and Julian, but no record as to children; married Joane Stevens (second wife), 14 Feb., 1625-6, who died 1625-6, without children. Edward, the husband, died Feb., 1625-6.

1604-5. Agnes Emotte married John Hooper, at Ilfracombe, 2 Feb.

1606. Robert Emot, of Ilfracombe, married Elinor.

1616. Phillip Emott, of Ilfracombe, buried there 30 June.

1617. John Emott of Ilfracombe, buried there 7 October.

1620. William Emmot, son of Robert and Julian Emmot, of Ilfracombe, Baptized 6 May.

1627. Richard Emmett or Emotte, of St. Andrews, Plymouth, married Margt. Thomas, 19 Sept. Had three daughters: Hester, Bapt. 23 July, 1629; Joane Bapt. 1 June, 1634 and Margaret 5 Jan., 1639, became the wife of Wm. Way on 15 Oct., 1661.

1629. Nicholas Emmet, of St. Nicholas, Plymouth, married first wife at St. Andrews, Plymouth, 3 Nov. and had:

1. Twins, Joane, buried 7 Oct. 1630, and Elizabeth, bapt. 7 Oct., 1630.
2. Tristram Emmett, baptized 29 July, 1632, married second wife at St. Andrews, 31 March, 1644; buried there 27 June, 1675; had:
   1. Joane, bapt. at Charles Church, Plymouth, 19 Feb., 1645-6.
   2. Agnes, bapt. Charles Church, Plymouth, 15 March, 1654-5.
   3. William Emmet, bapt. at Charles Church 16 Mar., 1646-7, buried at St. Andrews, Plymouth, 3 Feb., 1669-70.
   4. Margaret, bapt. at St. Andrews, Plymouth 2 Aug., 1650. Married 26 Feb., 1674-5 to Richard Cock of Plymouth.

1630. William Emott, of Ilfracombe, married Susan Gybeon, at Ilfracombe, 6 July, 1630 and buried there 15 December, 1647. Had:
1. William Emott, bapt. at Ilfacombe, 29 May, 1631, who married Ann Browne, at Ilfracombe, 16 Oct., 1659, buried there 12 January, 1668-9.
2. Mary, bapt. at Ilfracombe, 24 March, 1628-9, married Richard Skinner, 16 July, 1661.

1631. Martyn Emmett, of Plymouth, bapt. at St. Andrews, 25 Sept. Buried there 18 Dec., 1666.

1636. Mr. Peter Emmett, of Plymouth, bapt. at St. Andrews, 21 August. Married Mary Ford, at St. Andrews, 12 October, 1658, who was buried at Charles Church, 15 April, 1662.

1642. Thomas Emot, buried at Ilfracombe, 7 June.

1643. Joane Emmett buried at St. Andrews, Plymouth, 22 June.

1645. John Emmett buried at St. Andrews, Plymouth, 31 March.

1655. Alexander Emmiott, of Plymouth, married at St. Andrews Philly James, 23 August and had five daughters: Jane, bapt. 25 June, 1656, Joane bapt. 5 May, 1658 and Sarah bapt. 5 Sept., 1660, Sarah (2) baptized 16 April, 1662, Mary bapt. 2 Feb., 1668 and John Emmet bapt. St. Andrews, 16 April, 1674.

1655. Richard Emiott, Junior, Plymouth, married, St. Andrews, 13 Oct., Jane Bearden, and had:
1. Anne, bapt. 5 Aug., 1656 and buried 25 Sept., 1657.
2. Margaret, bapt. Charles Church, 21 Aug., 1661. Married St. Andrews, Roger Martyn, June, 1685.
3. Honour, bapt. Charles Church, 16 March, 1665. Married St. Andrews, 7 Oct., 1689 to John Ripley.
4. Joseph Emmot, bapt. Charles Church, 20 Feb., 1666-7. Married Alice Beril, 23 July, 1690; and had:
1. Richard Emmot, bapt. 18 Oct., 1691, and buried 28 Mar., 1692.
2. Catherine, bapt. 21 Feb., 1692-3.

Richard Emiott was buried, St. Andrews, 31 Nov., 1671 and his widow Alice married 19 Oct., 1673, John Taylor for second husband.

1664. Hannah, daughter of Alexander and Elizabeth Emyott, of Plymouth, baptized 10 July. Buried 7 July, 1670; Hannah (2) bapt. St. Andrews, 28 Oct., 1670.

1673. Peter Emmett, of Plymouth, bapt. 6 May; buried at St. Andrews, 19 Oct., 1673.

1674. Joane Emiott, of Plymouth, married at St. Andrews, Rogers Kasswill, 27 Sept.

1680-1. Joane Emmett buried at Charles Church, Plymouth, 20 February.

1682. Anne Emmott, of Plymouth, married at St. Andrews, Ferdinand Clarke, 1 August.

1682. Thomasin Emmett married Timothy Pergelly, Plymouth, St. Andrews, 26 August.

1686-7. Cath^{n}. Emott married at St. Andrews, Plymouth, Rob^{t}. Robbins, Jan.

1689. Elizabeth, the wife of Edward Emmet, of Plymouth, was buried 28 Sept. Edward and Elizabeth Emmet had:
1. Mary, bapt. Charles Church, 30 April, 1686, buried there 23 August, 1687.
2. George Emmet bapt. Charles Church, 12 Nov., 1687.
3. Edward Emmet bapt. Charles Church, 12 Sept., 1689.

1691. James Emmet, of Plymouth, married Dorothy Knight, 25 April, Charles Church, James Emmot buried St. Andrews, Plymouth, 20 April, and his wife, 19 Nov., 1687.

1694. The children of Jane and Richard Emmet were:

1. Elizabeth, buried at Charles Church, Plymouth, 24 Feb., 1694-5.
2. Richard Emmett, bapt. Charles Church, 26 June.
3. Elizabeth, buried Charles Church, Plymouth, 7 August, 1698.
4. Joseph Emmet, bapt. Charles Church, 29 May, 1705, buried Feb. 4, 1711.

The idea of an inseparable annexation of the Imperial Crown of Ireland, as a distinct independent Kingdom, to the Crown of Great Britain, is a metaphysical subtlety, which the mind, no doubt can comprehend, but which it also perceives to be totally inapplicable to the solution of a question of fact.

T. A. Emmet.

England possesses not in herself independent greatness from extent of territory, fertility of soil and consequent population. Her colossal power rests upon external commerce.
T. A. Emmet.

Note II

(See Vol. I—Page 161).

ACCOUNT OF THE TEMPLE FAMILY.

As Given in "The Emmet Family".

Soon after the Norman conquest the Temple family became prominent in England. Sir Bernard Burke, in his "Genealogical and Heraldic Dictionary of the Peerage and Baronetage of the British Empire", states as follows:

> This ancient family derives its surname from the Manor of Temple, Leicester, and it deduces its descent from Leofric, Earl of Chester, who lived in the reign of Edward the Confessor. This Leofric married the celebrated Godiva, the heroine of Coventry, who is said to have appeased the wrath of her offended lord, and to have obtained a restitution of privileges for the good citizens of Coventry, by riding unclothed through that city on horseback. This she did in submission to what her husband had hastily sworn, viz.:—that until she so rode, he would not relieve the citizens. Thus goes the narrative, but certain it is that pictures of the Earl and his Countess were set up in the south window of Trinity Church, in that ancient city, about the reign of Richard II., more than three centuries after the occurrence of the supposed event, his lordship holding a charter in his right hand with the words:
>
> "I, Lurick, for love of thee,
> Do set Coventry toll free."

From this Earl of Chester was lineally descended Peter Temple, who lived in the reign of Edward VI., and who appears at the head of the line in the Temple pedigree. This Peter Temple was the sixteenth generation since Leofric, whose son Algar was the Earl of the East Saxons, and died in 1059. His eldest son, Edwin, also Earl of the East Saxons, was killed in 1071, defending his country against the inroads of the Normans. Edwin's son, the great-grandson of Leofric, was the Earl of Coventry, and took the name from the Manor of Temple, near Wellsborough, which he owned. He was known as Henry de Temple, and from his day the line is unbroken and fully authenticated.

Sir William Temple and Lord Palmerston were descended from the youngest son of the first Peter Temple. From his grandson sprang the ancestor of the Duke of Buckingham and Chandos, and from him also came the present Baronet, through Sir John Temple, who has been frequently mentioned in connection with the history of the Emmet family.

Sir Thomas Temple, Sir Purbeck Temple's brother and Rebecca Emett's granduncle, having purchased the grant of Nova Scotia, received the concession from Cromwell, with whom he was a great favorite. On the restoration of Charles the Second this grant was nullified, and Nova Scotia reverted to the British Crown, although no compensation was given Sir Thomas Temple or his heirs for his great outlay of money. Sir Thomas Temple was an unmarried man, and on settling in Nova Scotia he took with him his nephew and namesake, Thomas Temple, the father of Rebecca Emett.

On the reversion of the Nova Scotia colony to the Crown, and after the death of this uncle in 1674, Thomas Temple began to have business relations with New England.

From a private company Thomas Temple purchased lands on the Kennebec River, in Maine, in what was afterwards termed the New Hampshire grants, and from a portion of which the present State of New Hampshire was formed.

It is well known that early in the eighteenth century Thomas Temple was occupied for a number of years in developing the grant he held in what is now part of the State of Maine. In a letter written in September, 1717, to the Plymouth Proprietors, he mentions his intention to move his servants and effects to Boston. He was introduced in Boston by "his uncle", as he terms him, "Nathaniel White, the merchant of Plymouth", England. This Mr. White was consequently the granduncle of Rebecca Temple Emett, but from some of the documents which have been preserved it would seem that this Nathaniel White, or his son of the same name, was more closely related to Christopher Emett than by the ties of marriage. Mr. Thomas Temple brought out from Ireland, where he had lived, about 1720, several hundred families to settle the grant he held in Maine. At a later period his grandson, Sir John Temple, was interested in one of the New Hampshire grants, within the limits of which the present towns of Dublin, Temple, Mason and others were built. It is not known that any connection existed between these grants beyond the fact that both were settled by Irish families who came from about the same section of Ireland. But the settlement commenced in Maine by Thomas Temple was so frequently harassed by the neighboring Indians, and those from Canada, that many abandoned the older settlement for the newer one in New Hampshire.

From the town histories of this section of the country the names of Patten, Holmes, Temple, Mason, Nelson, and in fact almost every surname but that of Emmet connected with the history of the family, and all from the soldiers of Cromwell's army in Ireland, can be found among the descendants of these early settlers. This circumstance is a strong proof that all who bore the name of Emmet in Ireland were closely related, for there is scarcely a name mentioned in the general history of the family, or connected with any particular branch, which does not appear among the settlers of these grants.

In the central portion of England, about Warwick, and to the north, whence originally the Temples came, there are still to be found families bearing these names. It is therefore likely that many of the settlers in Tipperary, Cork and Kerry were originally from this portion of England. This circumstance probably kept up a clannish feeling among them in Ireland, and was perpetuated among their descendants who emigrated to America. This bond still exists among some of these families to the present day.

This Thomas Temple was the first settler of the name in New England, and some portion of the family continued to reside near Boston until the beginning of the Revolution, when, as loyalists, they returned, as we have seen, to Ireland. The name of Thos. Temple's wife, the mother of Rebecca Emett, is now unknown, but it is supposed to have been Elizabeth, although there has been some evidence to indicate that it was Mehitable, but further investigation has convinced the writer that a mistake has occurred, and that this Mehitable Temple was the first wife of Wm. Temple, of Portsmouth, N. H., the grandfather of Robert Emmet Temple. Mrs. Rebecca Emett's sister was named Elizabeth, and she is referred to in the will of Christopher Emett as his sister-in-law. As a portion of the circumstantial evidence the writer may state that he has in his possession a pair of sugar tongs marked E. T., which came to Dr. Robert Emmet from his father's family and which were made at the beginning of the eighteenth century, at the time when Mrs. Thos. Temple was a young married woman. Thos. Temple's son Robert, of Ten Hills, Mass., married Mehitable, the daughter of John Nelson, of the New Hampshire grants, and his grandsons, Robert and John, married into the Shirley and Bowdoin families. Sir John Temple, previous to the Revolution, was Governor, or Acting Governor, of New Hampshire, and held other positions of trust in New England and New York. After the Revolution he re-

turned to the United States and lived in New York, as Consul General for England,* until his death. His descendants are still living in England. From the youngest brother, William Temple, are descended the different male and female branches, which have remained in the United States since the Revolution.

The earlier connections between the Emmet and Temple families have already been fully stated, and it therefore only remains to refer to those descended from William. William Temple kept up his connection with New Hampshire, and there he married Miss Mehitable Whipple as his first wife. The two daughters of his grandson, Col. Robert Emmet Temple, U.S.A., married, at a recent period, two sons of Judge Robert Emmet, the great-grandson of Rebecca Temple Emett. Thus, since 1727, there were four intermarriages between the two families.

*On his mural tablet in St. Paul's Church, New York, it is stated that his was "the first appointment to this country after its independence."

It is a sad thing to find the Ulster Protestants ill affected to Irish freedom. Their soil is the most renowned in Ireland. Scarce a field but is classic ground, memorable in the annals of Irish valour. Patriotism and success unfurled a single standard oftener in Ulster than in any part of our isle; and if the scenes in which we live can affect us, the men of Ulster ought to have learned a love of country intense and valorous. But alas! they know not the history of their land, nor the names of its heroes, nor the nature of their deeds.

Thomas Davis, The Nation, Nov. 13, 1847.

Ireland's Sorrowful Chapter (Since the Union)

During these hundred years of your government in Ireland we lost five millions of our population. Six hundred thousand of the farmers of Ireland were evicted from their homes. There were two famines. One million of our people died of starvation. Hundreds of thousands of the best of our race were carried in famine ships across the Atlantic to America. We knocked at the door of your senate house and we knocked in vain and all that was left to Ireland was to rise in armed revolt against this system and instead of dying like dogs to die like men.

Joseph Devlin, M.P., British Parliament, April, 1914.

To this indictment should be added the impoverishment of Ireland by the exaction of about one billion of dollars by excessive and illegal taxation, with the destruction of every enterprise by Parliamentary action in favor of England.

The Author.

Note III

[See Vol. I, Page 166]

A POEM ON A HARVEST DAY

IN THREE PARTS

BY

DR. ROBERT EMETT

CORK—1758

[THE THIRD PART, "ON THE EVENING,"]
PRINTED IN THE TEXT.

ON THE MORNING

1

The night in gloomy Sable drest
  No longer veils the skies,
A russet dawn gleams o'er the East,
  And bids the day arise.
No more the shapeless dark impure
  Creation's form defiles,
But thro' the cheerless dread obscure
  The morning twilight smiles.

2

For now refresh'd the orient Sun
  Fond Thetis' chamber leaves,
Resolves his high career to run
  And mounts the azure waves.
Around the watchfull hours stand,
  And with assiduous care,
Obedient at the God's command,
  His burnish'd carr prepare.

3

The early Lark exulting wings
To Heaven's high arch his flight,
And as he soars melodious sings
To hail the Infant Light.
And hark the village cocks around
Th' outsetting day proclaim,
And rouse with the shrill clarion'd sound
The peasant's peacefull dream.

4

No more in solemn silent state
The silver moon presides,
But conscious down the west'rn gate
The fadeing planet glides,
Nor more th' empyreal vast expanse
Bespangl'd bright appears
With thousand suns in mystick dance
T'enlight their circling spheres.

5

For now behold in pale decline,
And glimm'ring on the sight,
The twinkling starrs forget to shine,
Hid in superior light.
Aurora sole midst all that host
So splendid late and gay,
A radiant lustre still can boast
Uneclips'd by the day.

6

The east'rn arch flames deep with red
Whilst with refulgent rays
The God enshrines his radiant head
And puts on all his blaze.
And now in all the pomp of pride
The dappl'd morn behold,
In flowing garb of azure dy'd
And purple fringed with gold.

7

For now the Sun ascends his seat
And grasps the studded reins,
Around him spreads enlivening heat
And sweeps the etherial plains.
Now level with th' expanded deep
He guides the lucid carr,
Now straining up the heavenly steep
Surmounts the morning starr.

8

At his approach th' empyreum glows,
The Welkin round takes fire
Emblazoned gay the upland shews
And Shandon's neighb'ring spire.

And see deep tinged the clouds appear
With golden gilded streaks,
Around the opening prospects clear.
Creation all awakes.

9

The mott'ld thrush high swells his throat
To raptur'd strains of Love
And rouses with his shriller note
The songsters of the grove.
And hark the warbling race around
Their matin notes prepare,
Whilst echo sportive swells the sound,
And tunes the mimick air.

10

And from the neighb'ring sheep-fold, hark,
Loud bleatings strike the skies,
Whilst cumbrous from the sheltered park
The lowing herds arise.
The lowing herds, the bleating flocks,
The songsters of the spray,
And matin call of clarioned cocks
All hail the orient day.

11

Well might the Persian Magi bow
Or stand entranc'd to gaze.
Well might the Bactrian host fall low
T' adore the orient blaze.
Well might they raise the gratefull song
To that which all doth cheer.
Idolatry, however wrong,
Scarce seems an error here.

12

But now refresh'd with balmy sleep
Behold th' industrious swains,
Across the dewy valleys sweep
And brush the upland plains.
Rough plough men here their oxen yoke
To trace the furrow'd ground.
There to the woodman's sturdy stroke
The forest caves resound.

13

Th' astonish'd silvans trembling pale
The falling forest eye,
And screaming thro the wasted dale
The wounded Dryads fly.
Gay Flora too deserts the fields,
Whilst o'er the painted scene
His scythe the lusty mower wields
And ravages the plane.

14

In vain on mother earth she calls:
His scythe knows not to spare.
Th' enamel'd swarth around him falls
And fragrance fills the air.
Whilst, hark, around the humming bees
Their early task renew,
Crowd eager to the spicy breeze
And sip the honeyed dew.

15

There happiest of the Sons of Care
The shepherd swain behold,
Snuff in the breath of morning air,
And seek the upland fold.
His peacefull step his friend attends,
And oh, I blush to say,
Few men can boast such honest friends
As Collin boasts in Tray.

16

And there the rustick Newton see,
Without a prism's aid,
Trace which are colours primary
And which are but a shade.
Thoughtfull he eyes the pearly meads
Bedeckt with orient dew,
And traces all the rainbow's shades
As shifts the vary'd view.

17

Now sparkling with the diamond's blaze
The radiant drops appear,
Now brilliant in the Jasper's rays
Or amber's golden tear,
And each with vary'd lustre glows
As beams the penciled light,
Which from the lucid pendant flows
And strikes th' observer's sight.

18

Here faithfull to the sower's hopes
The ripening fields behold,
Where faithfull earth her treasure opes,
And yields a hundred fold.
There to the reaper's sickl'd hand
The golden harvest waves
Behind the auburn lasses stand
And bind it into sheaves.

19

Industry smiles on ev'ry side
Employ'd a thousand ways,
And plenty scatt'ring blessings wide
The various toil repays.

But hark, loud hollos pierce the air,
The vale with shouts resounds,
And there behold the fear-winged hare,
And here the fleet-heel'd hounds.

20

Now trembling o'er the lawn she flies
Then sudden makes a cast
Nor longer hears the dreadfull cries,
And hopes the danger past.
Delusive hope! too soon she'll find
From whence the silence sprung
For breast-high driving with the wind
The dogs their game outrun.

21

And silent now the scent retrace,
As conscious of their fault
And cast around the doubtfull place
By long experience taught.
In vain the eager babler cries
As tho the hitt he made;
The stauncher pack his cry despise—
A younker in the trade.

22

But Hit-well, hark, an open gives,
And sudden shoots away,
Th' implicit truth the pack receives,
Nor for a trial stay.
And now her utmost art she plays
T' elude their eager toil,
And now she tracks the circling maze,
And now she runs the foil.

23

And now the mountain's height she braves,
Now traverses the plain
And now the lowland ground she leaves,
And scales the mount again.
The dogs with eager speed pursue,
Her doublings all retrace,
And snuff her in the tainted dew,
And hotter urge the chase.

24

In vain with speed she wings her flight,
Her speed, alas! is vain,
They drive her on the mountain's height,
They drive her on the plain.
Fatigued at length she gives a view.
The pack old Trueman heads,
No more, my muse, the chase pursue,
'Tis death when Trueman leads.

On the Noon

1

Now from his noon-day height the Sun
  Flames on the world below,
Exhal'd almost the rivers run,
  The sun-burn't valleys glow;
No more the grove harmonious rings,
  But panting on the boughs,
The fledg'd musicians drop their wings,
  And plight their mutual vows.

2

The lowing herds desert the vale
  And seek the cooler wood,
The gad-stung heifer frisks her tail
  And plunges in the flood,
The wooly flocks the hills ascend
  To find a cool retreat,
In deepest ooze the fish descend
  T' elude the sultry heat.

3

And now his team the ploughman stops
  And seeks the cottage blithe,
His hook the harrass'd reaper drops,
  The mower drops his scythe,
And stretch'd beside some friendly trees
  The thirsty bowl they quaff,
Enjoy the noon-tide cooling breeze
  And urge the merry laugh.

4

There seated by a cool cascade,
  Whilst safe his lambkins feed,
Beneath an alder's verdant shade,
  The sheperd tunes his reed.
To Nancy's praise he tunes the lays
  And sudden stops to hear,
Whence sprung the concert sound of praise
  But sees no person near.

5

Again the lengthen'd note he trys,
  Again the note is play'd,
He stops, it stops, he sighs, it sighs,
  His ev'ry words resaid.
For in the neighb'ring woods there dwells
  Or on the mountain brow,
A nymph as ancient story tells
  A simple echo now.

6

This nymph was once of Dian's train
  In wood-stock park renown'd
But sudden from a maid became
  The mimick of a sound,

For here in times of old 'twas said
  Pan with Apollo ey'd
And each approv'd and chose this maid
  The conquest to decide.

7

Pan sings the pomps of regal courts
  To lure the artless fair
Of Hampton Court and Windsor sports
  What joys and pleasures there.
The higher theme Apollo chose
  Of man's dependent state
The means by which from earth he rose
  And what his future fate.

8

Pleas'd with the more delusive strain
  To Pan she judged the bays.
Apollo rous'd to just disdain
  With indignation says:—
Weak judge, be this thy constant doom
  The world to roam around,
Nor ever more to sense presume—
  Mere mimick of a sound.

9

And now reveal'd the God appears;
  The virgin dies away,
And soon the sentence past he hears
  A mimick sound re-say.
Yet still we may with ease retrace
  What once the nymph has been
For still she loves the silvan chace
  And haunts the upland green.

10

And oft the disembody'd maid
  Meets Cynthia in the dale,
Salutes her in the opening glade
  And joyns her in the vale;
Or seated on some rock on high
  Improves the joyous sound,
Repeats the jovial huntsman's cry
  And cheers the opening hound.

Ireland was not only ruled by the artful temporising policy of England; she was also subject to the blind, bigoted selfishness of the English manufactory and counting house, which would not feel or would not confess that Ireland might be sunk too low even upon the base calculations of commercial arithmetic.

T. A. Emmet.

A cool survey of the future of Ireland would show that the feelings, habits and interests of the Irish Catholic would all combine to prevent even an attempt at ascendancy and to show the success of such an attempt impossible.

The Nation, Nov. 13, 1847.

Note IV

(See Vol. I—Page 175.)

THE MASON FAMILY.

A member of the Mason family settled in Ireland towards the close of Queen Elizabeth's reign. He was a son of Sir John Mason, of Sion House, near London.

The first settlement was probably made in Co. Kerry, though their place of residence is not positively known before the marriage of James Mason to Avis McLaughlin in 1704. He was the great-grandson of Sir John Mason, and his estates at that time are shown by the marriage record to have been situated at Elligot, Co. Kerry.

The granddaughter, Elizabeth, of this James Mason married Dr. Robert Emmet, then of Cork. Mrs. Emmet, in her letters to her son, Thos. A. Emmet, imprisoned in Fort George, frequently refers to her nephew, St. John Mason.

St. John Mason was an intimate friend of his cousin, Robert Emmet, having been with him both at school and at Trinity College. It is not known that he had any intimate knowledge or connection with the uprising under Robert Emmet, though he was arrested immediately on suspicion by the authorities and confined in prison during several years, as it was believed the Government knew he had actively opposed the union with England. He was, however, finally released without having had any charges preferred against him. He never married, and on his death this branch of the Mason family became extinct in the male line.

The writer distinctly recollects when a boy seeing among the old family silver several pieces with a strange crest engraved upon them, which he was told was that of the Mason family. But owing to the subsequent divisions of this portion of the property these pieces cannot be found, and consequently neither the crest nor the arms which this family was entitled to bear, can now be identified. The difficulty is increased by the fact that the works on heraldry give three different families of Mason living in Ireland during the past century with arms and crest bearing no resemblance in common.

Miss Mary Agnes Hickson, in her work, "Selections from Old Kerry Records" (Second Series, London, 1874), gives the following in relation to the Mason Family:

> Ballydowney, Cahercrolin and Clynie, which were all granted to Richard Loughlin, a Cromwellian Officer, ancestor of the Masons of Ballydowney, and of Robt. Emmet.
>
> On the 27th of February, 1728, John Russell wrote to the Commissioners that he in his lodgings at the Widow Mason's house in Killarney, was violently and vigorously assaulted by an armed mob, &c., . . . His hostess, Mrs. Avis Mason, who was the cousin-german of Brewster Loughlin and the great grandmother of Robert Emmet, &c. . . . She was the widow of James Mason (p. 176).
>
> James Mason, grandfather of Robt. Emmet, John Mason of Balleymae Eligot, claimed to descend from a common ancestor with the Masons of Masonbrook (see page 274) married Avis, daughter and co-heiress of Capt. Richd. Loughlin, the Cromwellian Grantee of Ballydowney, by Catherine,

daughter of Robert Blennerhassett and Avis Conway. John Mason and Avis Loughlin had James, Richard and John who died unmarried, Cathn., Barbare and Ellen, James Mason, the eldest son, was Sylvester O'Sullivan's foe. He married Catherine, daughter of Pierce Power, of Elm Grove, a place now included in the demesne of Ballyseedy, and had with other issue a daughter, Elizabeth, who married Doctor [Robert] Emmett (p. 311).

The O'Connells of Derrynane, the Spring Rices (Lord Monteagle), the Hilliards, Ellices, Hicksons, formerly of Hellsville, are all related by blood to the Emmetts (p. 312).

The Government is (in theory at least) a mere machine to which the people has ordained its laws of action, without an iota of power beyond the laws prescribed.

Robert Holmes.

Ireland is a Purgatory, where the Irish must suffer in patience before going to America.
Unknown.

The Irish emigrant never forgets those whom he has left in the old country; and that girls and boys alike—God alone knows the struggles through which they pass—in their exile will voluntarily undergo the heaviest privations for the sake of supporting their old parents at home. There is hardly a family in the West of Ireland that does not receive regular remittances from America.
T. M. Kettle's Translation of Paul Dubois' Work, 1908.

Our nobles are so surrounded by temptation of power, the allurements of fashion, and are so much dismayed by unworthy apprenhension of imaginary danger, that they turn aside from the noble career which would await them, if they would use the position which a genuine aristocracy ought to be proved to occupy,—that of being the foremost defenders of their country's rights.
William Smith O'Brien, 1847.

Note V

(See Vol. I—Page 203)

TENTAMEN CHYMICO-MEDICUM,

DE

AERE FIXO, SIVE ACIDO AEREO.

QUOD

ANNUENTE SUMMO NUMINE,

EX AUCTORITATE REVERENDI ADMODUM VIRI,

D. GULIELMI ROBERTSON, S.S.T.P.

ACADEMIÆ EDINBURGENÆ PRÆFECTI;

NECNON

Amplissimi Senatus academici consensu
Et nobilissimæ Facultatis Medicæ decreto,

PRO GRADU DOCTORIS,

Summisque in Medicina Honoribus ac privilegiis
Rite et legitime consequendis;
Eruditorum examini subjicit

THOMAS ADDIS EMMET,

HIBERNUS.

A. B. Trin. Coll. Dub.

Societ. Reg. Med. Edin. Soc. Chir. Physic.

NECNON

Nat. Stud. Sodalis

Audite o mentibus acquis;
——Neve hæc nostris spectentur ab annis
Quæ ferimus.
Virgil

Ad diem 13 Septembris, hora locoque solitis.

EDINBURGI:

Apud BALFOUR et SMELLIE,

Academiæ Typographos.

M,DCC,LXXXIV.

The more liberal the English Parliament shows itself in its dealing with Scotland, the more illiberal it is in its treatment of Ireland. It never gets beyond half measures and compromises; takes away with one hand what it gives with the other; and clogs every concession with conditions which practically cancel it.

Dubois, Tr. Kettle.

Nobilissimo et integerrimo viro,

GEORGIO GRENVILLE NUGENT TEMPLE,

COMITI DE TEMPLE,

&c., &c., &c.

Propter magna in se, suosque,

Maxima in patriam,

Collocata Beneficia,

Dum ibi per arva regnata,

Aurea rursus condidit secula;

Dum populum, eheu! egentem! mancipatum! miserum!

Gubernans,

Eum, quantum potuit,

Divitem, liberum, beatum,

Reddidit;

Quapropter Gens fortis, olim dominatu alieno oppressa,

Nunc, illius ope et auspicio,

Propriis solummodo legibus obnoxia,

Dominis ipsis prioribus, libertatem palam prædicantibus,

Illum fasces deponentem,

Non sine omnium lachrymis et votis,

Ex suo amplexu invite dimisit:

Hoc, qualecunque sit, opellum,

In summæ observantiæ,

Gratissimique animi,

Pignus,

Sacrare voluit

Hibernorum, amicitiæ semper memorum,

Maxime devinctus,

THOMAS ADDIS EMMET.

For a good government—a nation forms its institutions as a shell-fish forms its shell, by a sort of slow exudation from within, which gradually hardens as an external deposit and must therefore be fitted to the shape of that which it invests and protects.

Aubrey De Vere.

TENTAMEN CHYMICO-MEDICUM INAUGURALE, DE AËRE FIXO, SIVE ACIDO AEREO.

AERI fixo caligine jamdudum merso, philosophi celeberrimi Black, Cavendish, M'Bride, Priestley, aliique lucem nuper assuderunt, et, quantum ad naturæ opera fere innumera perficienda, conferat, luculenter monstrarunt. Quot commoda, cum medicinæ, tum reliquæ scientiæ, inde deduxerint, nemo ignorat; ita ut me, lauream Apollinarem ambeuntem, legibus Academiæ obtemperaturum, hoc de aëre disserere animus ferat. Imperitum juvenem propriis viribus parum confisum, alienas sententias proferre, sæpe decet, imo oportet; si vero, amor veri me unquam vestigia horum insignium philosophorum, quos duces plerumque sequor, deserere cogat, hoc nec temeritati juvenili, nec ambitioni pravæ, tributum iri, spero.

Aër fixus, vel (ut Bergman loquitur) acidum aëreum, per diversas terræ regiones, in altis antris diu fuit observatum. Imam partem præcipue occupat; nam homo, capite erecto, tuto descendere potest, postquam animal pronum, cujus caput genu hominis simul descendentis tantum attingit, animam efflavit. Fere omnia quæ telluris superficies gerit, inter fermentandum aut putrescendum, idem emittunt; cujus quoque copia in aëre communi, post plerosque *processus phlogisticos*, detegi potest. Ejus tamen, quo philosophi utuntur, sales alkalini mites, vel terræ calcariæ, acido, plerumque vitriolico solutæ, copiam maximan suppeditant. Apparatus est sat simplex. Duo vasa ita inter se conjunguntur, ut aër externus (si opus sit) parti internæ intercludatur, corumque alterum, misturæ effervescentis capax, aëra evolutum in alterum immittit.

Hic aër sponte genitus, etsi parum cognitus, attentionem, præcipue eorum qui metalla effodiebant, sibi subinde vindicavit, utpote qui iis lethum nonnunquam, incommodum semper, attulit. Aciem philosophorum in se demum convertit, et fons fœcundus, unde rivi, mentem delectando vitamque excolendo idonei defluxerint, evasit. Quæ eum maxime distinguunt, hæc sunt: Pellucet, vimque resiliendi perpetuam possidet; aquæ aliisque liquidis facile miscetur; aëra communem pondere superat; animalia, plautas flammamque extinguit; calci vivæ, salibus causticis alkalinis, ac magnesiæ albæ, se avidissime adjungit; acida quodammodo refert; et denique vim antisepticam exhibet. De his singulis pauca sunt disserenda.

1*mo*, Quin pelluceat ac resilire queat, vix dubitari potest; inde enim aër fuit nominatus, et inde solum aëri communi est similis. Aër fixus, variis corporibus adjunctus, resiliendo ineptus certe invenitur; sed idem de aëre quam maxime puro, *dephlogisticato*. nempe, verum est. At et hic et ille, a vinculis corporum, quibus adjungebantur, soluti, vim resiliendi cito recuperant.

2*do*, Aër fixus, aquæ sponte adjunctus, non modo in fontibus medicatis, (ubi salubres plerumque edit effectus); sed etiam in plurimis puteis, quibus mortales quotidie utuntur, invenitur. Aqua enim hujusmodi diu retenta sæpeve recocta, vasorum latera calce tegit, quia scilicet, acidum aëreum, aëri vel calori objectum, dissipatur, et calx, ejus ope antehac soluta, præcipitatur. Quoniam fontes medicales ægris profuere, Priestley celeberrimus methodum excogitavit, aquam acido eodem explendi, et apparatus idonei huic perficiendo, a Doctoribus Nooth[1] et Withering[2] evulgati sunt.

Aqua cum acido aëreo arte conjuncta, ejus magnam copiam accipere potest; at plus minusve, pro aëris externi pondere vel temperie. In statu ejus solito, aqua quantitatem sibi parem exigit,[3] in aëre graviore plus, et in leviore minus, admittit. Aëre fixo saturata aqua, in antliæ pneumaticæ exhausto receptaculo, ebullit[4] (sed his in exemplis, aquæ

[1]Philosoph. Transact., vol. lxv. A. D. 1775.
[2]Priestley on Air, &c., vol. v., page 389., Append.
[3]Idem, vol. I., page 29.
[4]Idem, vol. I., page 34.

natura saturatæ minus ebulliunt[1]), aëraque amittit; calore quoque liberatur, ut et frigore si ad gelandum exsurgat. Hoc quidem horæ momento, aëra fixum expellit; at aquæ arte paratæ per semihoram, et eæ natura subministratæ per duas horas, antequam ejus omnino orbentur, ebulliunt.[2]

Aqua aëreo acido saturata, res plurimas, uti ferrum, terram calcariam, zincum, magnesium nigrum, alkalina, magnesiam albam, camphoram[3], &c., dissolvere potest, quæ singula soluta, aquæ qualitates magnopere mutant. Ejus pondus augetur (gradu caloris circiter 71° Farenheit) ratione aquæ distillatæ 1,000,332 ad 1,000,000[4] (temperie circiter 35½° Farenheit) ratione 1,0015 ad 1,000[5]. Fluida alia item sum acido aëro conjungi possunt, ut cerevisiæ vinaque omnigena, quibus vapidis, hoc adjectum, aliquantum saporis generosi sæpe reddit.

Aër fixus aëribus reliquis densior; eorum pondus ergo superat; sed quanto ille aëra communem pondere superet, non fuit adhuc ad amussim statutum. In varias opiniones hac de re iverunt philosophi; non tamen adeo diversas, uti singulas considerare oporteret. Sufficiat igitur asserere, aëra fixum, communem ita superare, uti 18, 12, vel 1½, 1.[6]

3*tio*, Indoles aëris fixi, non tantum animalium et plantarum vitæ lethalis, sed quoque comburendo inhabilis, est notatu dignissima; et forsan ejus imperium sævum in regnis utrisque ex usu erit distinguere inter eum, et aëra quam maxime phlogisticatum.

Aëra fixum ex aëre communi et phlogisto componi, (quod posthac plenius examinibatur), plerisque philosophis placet; hincque colligunt, eum esse respirando ineptum, quia more aëris phlogisticati, phlogiston ex sanguine per pulmones transeunte emittendum, evehere nequit.

Si res ita se habuerit, qui aëri fixo objicitur, is asthmate corripi debet; quod tamen adeo non fit, ut mortalis in placidam quietem, somno quam morti similiorem, incidat. Oportet quoque, ut aër fixus, eodem modo ac sub aqua submersio, lethum inferat, quod nunc est examinandum.

Bergman[7] illustriss. ita loquitur de animalibus acido aëreo interemptis:

> Post mortem pulmones parum collapsæ reperiuntur, in aqua non subsident, uti in vacuo pereuntium, sed natant, et sæpe plura monstrant *loca inflammata*. Truncus arteriæ pulmonalis, cordis ventriculus dexter cum sua auricula, vena cava jugularis, et vasa cerebri sanguine turgent, eumque in ventriculo dextro, polypi instar, non semel vidi concretum. Venæ pulmonales, aorta, ventriculus cordis sinister, cum sua auricula, plerumque conflaccescunt. *Fibrarum muscularium in toto corpore deleta reperitur irritabilitas. Ipsum cor, ex animali adhuc calente extractum, nec halitu, nec scalpello, nec acido vitrioli concentratissimo, ad motum excitare potui.*

Hic plurima suffocationis extant signa; sed hæc non est mortis causa unica. Musculorum omnium irritabilitas delebatur, quod in submersis non evenit; ii enim, post semihoram vel (si historiis nuperis credere liceat), post spatium majus, in vitam fuere revocati; at animal, post tertiam quartamve in aëre fixo respirationem, perit. Nec absumitur irritabilitas aëris phlogisticati respiratione, ut memet experimento certum, feci.

Aëra vel phlogisticatum suffocatione omnino interimere confiteor me dubitare, ex eo, quod lignarius urens vix ullum, nisi aëra phlogisticatum, emittit, ut mihi illustriss. Black experimento concinno demonstravit; et complurimi casus evulgati sunt, in quibus ejus vapores in conclavibus occlusis apoplexiam et asphyxiam, non asthma, induxerunt. In aëre quidem gradatim phlogisticato, animalia obitura ægre anhelant, quæ anhelatio aëris impuri primus est effectus ac indicium.

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[1]Cavallo on Air, page 624, Note.
[2]Idem., page 625.
[3]Falconer on Fixable Air, page 19; and Priestley, &c. vol. iii. page 375, Append.
[4]Lavoisier's Essays, Physical and Chemical, translated by Henry, page 247.
[5]Bergman de Acido Aereo, sect. iv, page 9.
[6]Idem., sect. xxiv, page 61.
[7]Idem., sect. xxvi, page 65.

Quod quoque opinioni supra memoratæ, de aëris fixi compositione, mihi adversari videtur, hoc est, nempe, animal in illo citius quam in aëre phlogisticato interire. Quin aër flamma corruptus plus phlogisti, quam acidum aëreum, contineat, nemo negabit; si igitur hoc animalia, modo antea memorato, necat, qui fit ut aër magis phlogisticatus lethum non celerius inferat? Præcipue quoniam abunde constat, aëra fixum non esse phlogisti saturatum; scintilla enim electrica, et alia, plus ei addere possunt. Affirmare igitur haud cunctabor, aëra fixum non modo pulmones, sed totum genus nervosum afficere.

Acidi aërei vis, erga plantarum quoque vitam, est omnino dissimilis, vel potius adversa, vi aëris phlogisticati. Dr. Priestley[1] hac de re experimenta instituit; indeque collegit, aëra fixum esse vegetationi omnino exitialem; sed Dr. Percival[2] plantas varias ejus rivo continuo objecit[3], et præ plantis similibus in aëre communi vigentibus eas aliquanto post vegetiores invenit. Præterea, planta quæ aëri fixo fuerat objecta, in aëre communi flaccescit; unde colligit, acidum aëreum plantis prodesse, imo iis pabulum præbere. Hunc eventum Priestley admirans, rem accuratius explorare decrevit; ideoque experimenta denuo iteravit, et errores Doctoris Percival plane detexit.[4] In ejus enim experimentis multum aëris communis fixo miscebatur, et plantæ prioribus objectæ minus erant vegetationi opportunæ. Ex tentaminibus summa cura institutis, Priestley perspexit, plantas in aëre ex toto fixo, vel cujus pars quarta hujusmodi erat, mox macrescere, eique verisimile videbatur, aëra cum octava parte fixi esse vegetabilibus nocivum, forsan lethalem.

Plantas dein in aqua aëre fixo saturata collocavit, ubi menthæ ramulus bene viguit. Menthæ[5] surcolos similes cum radicibus in aqua eadem, et in aqua communi, posuit, iique in illa per duos tresve dies melius quam in hac vigebant; at diem circiter decimum, languidiores visi, ante diem vigesimum flaccescebant.

Eorum philosophorum experimentis perpensis, (nulla enim ipse institui) assentior Doctori Priestley, qui affirmat,[6] aëra fixum plantas stimulare, ita ut purus vim harum vitalem abolere possit; eundemque aquæ admistum, vel ibi large solutum, æque ac portionem exiguam salis marini, vel acidi nitrosi, plantas infirmas atque caducas efficere.

Omnes agnoscunt, aëra philogisticatum plantas modo longe diverso afficere; nam phlogiston adeo est iis salubre, uti quo magis abundet, eo melius vigent. Eas stimulat, quoniam incremento favet, et pabulum præbet; sed istius vis tam acris et exitialis, quam aër fixus possidet, est omnino expers. Discrimen inter effectus aërum fixi ac phlogisticati, quod ad animalia et plantas nunc plane confirmatur; quapropter, si naturam causarum ab effectibus colligere liceat, aëres fixum ac phlogisticatum esse inter se, quod ad compositionem, diversos, colligere licebit. De hoc tamen postea fusius disseretur.

4*to*, Acidum aëreum calci vivæ, alkalinis causticis et magnesiæ albæ, avidissime semet adjungit; sed hoc bene cognitum longæ orationis parum indigebit. Experimenta nostri professoris chymiæ celeberrimi hanc rem luculenter illustrarunt, chymicosque doctissimos multa docuerunt. Quoniam experimenta Doctoris Black omnibus cognita sunt, haud me deceret ea speciatim recensere; satis sit memorare, illum, tentaminum serie, non minus simplicium quam concinnorum, abunde confirmare, alkalina pura integraque caustica esse; sed magnam amicitiam cum aëre fixo ostentare, cum illoque conjungendo mitia evadere: In hoc statu sese acidis consociantia aëre fixum foras dare, et terram calcariam aqua non solvi posse, quia validiore affinitate aëri fixo potitur[7]; alkalina mitia ergo semineutra esse videntur: Ex hoc, inter cætera, aëris fixi acida indoles colligi potest; quod plurimis aliis argumentis, nunc breviter recensendis, nititur.

5*to*, Aqua aëris fixi impleta saporem acidulum habere conceditur. Aliquas vegetabiles infusiones cæruleas, sicut litmi cyani[8] et heliotropii[9] rufat; nec huic

[1]Vol. I. page 86.
[2]Medical and Experimental Essays, vol. iii. page 189.
[3]Apparatus a Doctore Nooth explicatur.
[4]Vol. iii. page 306.
[5]Vol. iv. ppage 321.
[6]Vol iii, page 321.
[7]Experiments on magnesia alba, quick lime, &c.
[8]Priestley, &c. vol. 2, page 342, Append.
[9]Bergman de Acido Aereo, sect. vi, page 11.

opponendum est, plurimas infusiones cæruleas ejus imperium aspernare. Tale argumentum nihil probat nisi acoris imbecillitatem; nam; si valeret, contra acidum vitriolicum, quod tincturas indigoneas non rufare pollet, idem est objiciendum. Crystalli, quas cum alkalinis variis formare potest, ejus acidam indolem plenius probant. Hoc primitus a Doctore Black, de alkali volatili, compertum fuit (in apparatu concinno a Doctore Macbride[1] evulgato), et postea a multis aliis. Bergman vim magnam aëris fixi, alkalinis solutionibus conjunxit, et sic crystallos ex alkali vegetabili[2] minerali,[3] et volatili[4] formavit, quarum species et modos parandi accurate descripsit. Priestley[5] quoque, postquam aëra fixum, aëri alkalino consociavit, crystallos oblongas et exiles invenit, quæ sese mutuo decussere, et sicut opus reticulatum vasis latera vestiere. Aër fixus pariter ac cætera acida, cum satis aquæ conjunctus sit, terram calcarium vel alkalina solvere potest, ita ut horum consociatione, gradu quodam, non tantum alkali suam amittit acrimoniam urentem; sed aër etiam suum perdit acorem, (ut semper evenit in conjunctione acidi cujusvis cum ullo sale alkalino), et cum majore gradu junguntur, sales alkalini solvuntur.

Acida indoles hujus aëris est manifeste sui generis, nec e mistura alieni cujuspiam acidi pendet; nam dotes sunt eædem e quacunque materia, vel ope cujuscunque acidi, comparatur, uti a celeb. Bewley[6] clare demonstratum est.

6*to*, Hujusce fluidi vires antisepticæ nunc optime confirmantur. Ill. Pringle primus invenit, carnem fluido fermentante submersam putredinis expertem aliquandiu servatam, quod aëri inter fermentandum orto illust. Macbride tribuit, atque ostendit eundem aëra putredinem jam inceptam abigere posse. Eventus tentaminum hujusmodi non semper fausti fuere, quod tamen potius incuriæ quam aëris defecuti tribui debet. Si enim carunculæ non satis diu aëri objiciantur, vel si rotundæ, et crassæ, parvas superficies aëri offerant, nulla vis antiseptica expectanda est.

Lac, aëre fixo impletum, diu sine odore fœdo servatun fuit[7]; materiæ vegetabiles (uti uvæ, fraga, et cerasa), putredinis expertes, tutatæ fuere aëris fixi suppeditatione continua[8]. Præterea, hujusce remedii potestas, in morbis putridis, adeo valet ejus vim antisepticam probare, ut quicunque libros, jamjam citatos, cum plurimis aliis evolvet, haud diutius de ea sit dubitaturus.

De Acidi Aerei Natura.

Dr. Priestley[9] olim affirmavit, acidum aëreum esse factitium, compositum, nempe, ex quadam terra, et statu quodam acidorum vitriolici ac mitrosi iis communi; quia hæc, substantiis nil aëris continere creditis, affusa id edere fuere observata. Hoc tamen nil probat; multa enim corpora hunc aëra nobis ignotum continere possunt, quem quoque omne acidum æque ac vitriolicum aut nitrosum evolvit, et qui sine horum ope sæpe obtinetur.

Aliis jamdudum placuit, aëreum acidum esse ex aëre communi et phlogisto compositum. Inter hujus doctrinæ multum provectæ fautores Kirwan maxime eminet, cujus tentamen[10], in Regiæ Societatis actis evulgatum, ejus solertiæ ac eruditioni chymicæ semper erit honori; mercedem laborum jamjam accepit, quoniam philosophi eruditissimi Henry, Cavallo, imo Priestley[11], ipse, etsi, post longam repugnantiam, in suam sententiam iverunt. Vereor equidem me imparem congressum Achilli, temeritatis pœnas esse daturum; sed cum argumenta ejus mihi parum per-

[1]Macbride on the Nature and Properties of Fixed Air, page 52.
[2]Bergman, De Acido Aereo, sect vii, page 18.
[3]Idem, sect. viii, page 18.
[4]Idem, sect. ix, page 21.
[5]Vol. I. page 171.
[6]Priestley, vol. II., Append., Numb. I. & VI.
[7]Idem, vol. 3, page 373, Append.
[8]Idem, vol. 3, page 370, Append.
[9]Vol. IV, page 388.
[10]Entitled, On the Specific Gravity of Saline Substances.
[11]Philosophical Transact., vol. lxxii, part 1, page 230.

suaserunt cur aliter credam explicare oportet. Ut hoc accuratius efficiatur, ejus opinionem breviter proferre operæ erit pretium. In hanc sententiam loquitur[1].

I. In omnibus fere processibus quibus phlogiston evolvitur, aër fixus sensibus patet; et quamvis nonnunquam e materia decomposita. (uti metallorum calcibus vel carbone), dimanat, idem tamen quoque ex aëre respirabili sæpissime oritur, ubi nemo eum in materia decomposita adesse, suspicabatur. Exempli gratia.

II. Si plumbum et hydrargyrum una concitata sint in phiala aëre communi impleta, aër diminutus, *quartam partem totius amittet;* residuumque omnino phlogisticatum invenietur. Diminutio illa manifestior efficietur, si aër usitatus dephlogisticatus sit. Diminutionem, aëris fixi absorptioni tribuit; et rogat, quomodo plus aëris fixi ex aëre dephlogisticato, quam communi, nisi ex aëre dephlogisticato et phlogisto, ipse componeretur? Nam nec plumbum, nec hydrargyrum aëra fixum includere existimantur. Ex experimento dudum dicto, colligit, acidum aëreum non in aëre communi jam præparatum existere, quoniam non putandum est, in aëre respirabili aëra fixum, quartum totius efficere; nam, si ita fuerit, una pars fixi et tres partes aëris dephlogisticati, æquilibres penderent aëris communis partibus quatuor, quod nequaquam accidit; sed omnino negat tantum acidi aërei ac quartum totius unquam ratum fuisse in aëre communi inesse; nedum in dephlogisticato quantum ejus diminutioni respondit.

III. Alibi affirmat, ex aëris dephlogisticati partibus centum, nonaginta septem in acidum aëreum processibus phlogisticis converti posse; et rogat anne existimandum est, aëris fixi partes nonaginta septem adjungi posse alius cujuspiam materiæ partibus tribus, sine facultate aquam calcis turbandi?

IV. Ut probaret hoc non evenire, ait, conjunctis partibus aëris dephlogisticati viginti, fixique una, et mistura supra aquam calcis concitata, aquam turbatum esse; aëris phlogisticati, quoque partes viginti, cum una fixi conjunxit, et simili cum eventu; sed aëris communis partes viginti et una, nullam in aqua calcis effecere subsidentiam: Exinde infert, aëra communem non componi ex aëre fixo et dephlogisticato, vel phlogisticato; et acidum aëreum, quod aquam calcis in vasis apertis turbat, per aëra communem fortuito diffundi.

V. Inquit quoque se, continuata serie, apposuisse sex modos aëris nitrosi, duobus dephlogisticati, et post unamquamque adjunctionem, mixturam in aquam calcis recentem transtulit, et singulo experimento, calcem præcipitari observavit, donec aër dephlogisticatus in partem decimam imminutus fuit; ergo arguit, ex partibus decem, novem in aëra fixum mutatas fuisse.

VI. Nunc ordine pergit suam evolvere theoriam, scilicet, aëra communem componi ex aëre dephlogisticato et phlogisticato; acidum aëreum componi ex aëre dephlogisticato materia phlogisticata saturato, et aliquanti *ignis latentis* orbato; aëra phlogisticatum formari ex aëre fixo phlogisto supersaturato (ut ille loquitur); et in processibus phlogisticis, phlogiston attrahere aëris communis partem dephlogisticatam, illi sese adjungere, ex illa aliquid ignis extrudere, et sic aëra fixum provenire. Aliquantulum tamen hujusce aëris puri plerumque actionem phlogisti effugit, eum servante quantitate aëris phlogisticati semper in aëre communi detegenda eodem modo ac aurum tutatur argentum, et argentum aurum vicissim ex actione solventium propriorum.

VII. Hæccine confirmat, commonendo processus phlogisticos in aëre fixo peractos (sicut scientillæ electricæ transmissio), illum aqua insolubilem reddere; unde credit, eum in aëra phlogisticatum mutari, quam opinionem stabilit notando, hunc aëra in respirabilem converti posse, si cum aqua commoveatur, cujus superficies aëri communi objicitur.

VIII. Inquit quoque, si acidum aëreum cum aqua misceatur, ex illa expellatur, iterum misceatur, et sic iterum iterumque perducatur experimentum, separatum iri residuum, in quo etiamsi lucerna haud flagrabit, tamen mus spirare potest; putat igitur, aëra fixum in aëra communem restitui posse.

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[1]Bergman, page 213, et sequent.

IX. Postremo, acidum aëreum phlogiston continere, vult probare ex ejus effectu adversus calcem semi-metallicam, magnesium, nempe, nigrum. Hoc illust. Scheele, invenit in acidis phlogisticatis solis perfecte solvi, et ex iis disjungi in forma calcis albæ alkalinorum ope; sed solubile quoque est in aqua acido aëreo impleta, et ex eo disjungi potest eodem modo ac ex acidis.

Illius argumentis nunc quam viriliter propositis, forsan pertinacitatis arguetur, quicunque iis adversari sese accingat. Ea vero dubia mea non explicare fatendum est. Ostendunt quidem quæstionem densis tenebris et multis ambagibus involvi; attamen adducor sententiæ assentire, aëres fixum et communem esse quod ad naturam omnino diversos, quoniam argumenta jamjam memorata, nullo modo dubia tollere sussiciunt. Nunca ea sigillatim versemus, cum cura eorum momento respondenti.

I. Kirwin inquit, in omnibus processibus quibus phlogiston evolvitur, aëra fixum sensilem reddi. Quoniam hæcce res ab omnibus conceditur, et æque omnibus theoriis convenit, nullam confirmat; nunc igitur, tantummodo annotandum est, ex hac regula duas vel tres aberrationes esse, de quibus posthac plenius dicendum.

II. Deinde e Doctore Priestley[1] citat, quod si plumbum et hydrargyrum una concitata sint, in phiala partim aëre communi impleta, aër diminutus quartum totius amittet; residuumque omnino phlogisticatum invenietur, et diminutio manifestior efficietur, si aër usitatus, dephlogisticatus sit. Re ipsa concessa, quid inde colligat, perpendamus.

E plumbi calcinatione, aëris fixi separationem colligit, cui diminutionem, quæ notabatur, respondisse affirmat. Quod e calcinatione colligit, id verum est; sed minime sequitur, aëra fixum, qui calcem intrat, ex aëre dephlogisticato et phlogisticato oriri. Ad hoc probandum, necessarium foret, aëris dephlogisticati, quo usus fuit, sinceritatem cognovisse; nam ex hoc multum pendet; et Priestley[2] affirmat, cum aër dephlogisticatus primo comparatur quomodocunque, aëris fixi portionem haud exiguam cum eo semper misceri. Concedatur igitur, tantum aërei acidi ex aëre dephlogisticato esse separatum, quantum plumbo calcinando sufficit (plus forsan adfuit, sed ejus præsentia probari nequit), quid inde? Nonne plumbum æque *perfecte*[3] in aëre communi, ac in dephlogisticato, calcinatur? Nil hic igitur ex calcinatione, neque ex aëris majore in hoc quam in illo diminutione, colligere licet.

Illus perpetuo mos est, inferre, aëris respirabilis diminutionem semper effici aëris fixi ortu et absorptione, iisque rationem tenere; et idem pro certo accipit illust. Lavoisier; sed validissima sunt experimenta contra hanc opinionem.

Celeb. Priestley[4], postquam periculis probaverat, affirmat in aëre respiratione diminuto prope ad quartum totius, aëra fixum detegendum, partem sexagesimam quintam, vel ad summum (ut ipse gratuito concedit), trigesiman tertiam, non superare. Alias[5] in aëra communem hydrargyro retentum, aëris nitrosi solita ratione immissa, invenit *diminutionem perfectam* esse, sine ullo aquæ accessu; et aquam calcis postea iis admissam, *non fuisse turbatam.* Conjunxit[6] etiam, supra aquam calcis, aëres inflammabilem et communem, et eos scintilla electrica inflammavit, *imminutio apparuit;* sed aqua calcis non turbata fuit. Alterum experimentum[7] quoque ejusdem generis instituit, eodem cum eventu. Aëris certam quantitatem, cujus pars tertia fuit inflammabilis, reliqua communis, commiscuit. Portionem hujus in bombardam minorem, aëre inflammabili displodendam[8] inseruit. Apparatus portionem, pro glande plumbea designatam, aqua implevit, et ad ejus os vesicam (aëre ex ea prius expresso) ligavit; misturam aëris, ut mos est,

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[1]Vol. 4, page 149.
[2]Idem., page 217.
[3]Priestley equidem inquit, processum *citius* perfectum ese in aëre dephlogisticato, quam in communi; sed hoc plane efficitur, ex eo quod aër dephlogisticatus pro metallorum phlogisto validore affinitate, quam aër communis gaudet; cum eo igitur quasi statim conjungitur, et ergo citius separatur aër fixus.
[4]Vol. 5, page 119.
[5]Idem. 5, page 123.
[6]Idem. 5, page 124 & 125.
[7]Idem. 5, pp. 125 & 126.
[8]Apparatus hicce a Nairne Londinensi efficitur. Anglice vocatur, *Nairne's inflammable air pistol.*

ope electricitatis inflammavit. Explosionis vi aër et aqua, in bombarda contenti, statim in vesicam impulsi fuere; postea vero, aëris externi pressura repulsit in bombardam, non tantum aëra explosum, *qui multum imminutus fuit*, sed aquam, et etiam partem vesicæ. Vesica retracta, et misturæ aërum inflammabilis et communis, altero modo, in apparatum ut antea immiso, experimentum iteravit. Tentamina sic perduxit (aqua eadem per omnes processus servata), donec aër communis perditus aquam magnitudine multum superavit; tunc hanc aquam phialæ imposuit, et vi ignis aëra ex illa eduxit; sed ibi non magis quam in qualibet aqua ejusdem generis abundabat, viz., pluviosa, aëra expellendi causa ebullita

Bergman[1] quoque aliud tradit diminutionis exemplum, sine ullo aëris fixi conspectu.

> Linteas plagulas, alkali vegetabili caustico madentes, vapori ex sulphure accenso surgenti sufficienter exposuit; hasce dein curcurbitis indidit diversis, ad fundum depressit, orificia vesica bubula humida adligata optime clausit, et per sedecim nycthemeras, in loco temperiei circiter+18 gradum[2] servavit. Hoc tempore elapso, unius cucurbitæ inversæ orificium aperuit intra tincturam heliotropii, quæ mox irruebat, parum ultra 1/5 cavitatis implens. Hinc igitur constat, phlogiston *sensim* deseruisse acidum vitrioli, aëremque inclusum mutasse; interim tamen nullam tincturæ rufescentiam potuit detegere. Alius cucurbitæ orificium intra aquam calcis aperuit quæ similiter intravit, at nulla præbens congrumationis vestiga.

Si aëris respirabilis diminutio efficiatur, aëris fixi productione, quoniam, commixtis aëribus nitroso et respirabili, ratione puritatis aëris respirabilis diminuti sunt; maxima aëris fixi productio debet ex conjunctione aërum nitrosi et dephlogisticati oriri. Sed Priestley[3] plane affirmat, misturam aërum nitrosi et dephlogisticati aquam calcis *leviter*, turbare.

Ex his omnibus concludere licet, aëris respirabilis diminutionem *non* respondere aëris fixi separationi. Kirwan nescire quantum aëris fixi disjunctum fuisse ex aëre dephlogisticato, vel communi, plus quam sufficit, plumbum hydrargyro agitatum calcinando; et ergo omnia ejus argumenta, monstrantia tantum aëris fixi jam præparati in iis in esse non posse, etiamsi vera essent, nobis nil obstare.

Si ejus ratiocinatio de hoc experimento Doctoris Priestley, et ejus theoria veræ fuerint, quidnam sequeretur periculum in aëre fixo tentando? Quoniam calces metallorum, quam calx viva, aëri fixo sunt assiniores[4] eæ portionem hujus absorbere debent; et quoniam aër phlogisticatus (secundum illius theoriam) nihil nisi aër fixus phlogisto superoneratus est, metalla residuum convertere in aëra phlogisticatum debent. An ita accidit? Priestley[5] narrat, cum, vice aëris communis, ea agitaverit in aëre fixo, pulverem atrum non productum, et aëra fixum immutatum esse.

III. Affirmat quoque, ex aëris dephlogisticati partibus centum, nonaginta septem in acidum aëreum, processibus phlogisticis, converti posse. Quoniam nec auctorem neque methodum hujus memorat, totus processus mihi est incognitus. Hoc tamen affirmare licet, me nullum auctorem, præter Lavoisier, scire, qui asserit, tantam mutationem fieri posse; mihique videtur, utrosque hos egregios viros tantum, velle affirmare, aëris dephlogisticati partes centum ad tres usque diminui, et inde colligunt mutationem partium nonaginta septem in aëra fixum; quod tamen quam falsum sit, jam dictum.

Forsan mirum videbitur, quod aër dephlogisticatus mutationem tanto majorem quam communis subiret; at suspicor partem aëris communis dephlogisticatam solam in processibus diminui; ergo unum ex aliis forsan plurimis causis esse, propter minorem aëris puri quantitatem in aëre communi quam ipso dephlogisticato. Variæ affinitates in aëribus utris inventæ, cum aliis diversis, hanc discrepantiam forsan efficiant. Hoc quoque notari decet, quod in omnibus processibus, quibus aër dephlogisticatus multum aqua agitatus est, aqua cum parte ejus sincerissima sese

[1]De Acido Aereo, sect. xxii, page 56.
[2]Circiter 64° 1/2 Farenheit.
[3]Vol. 2, page 257.
[4]Philosophical Transact., vol. lxxii, part 1. page 218.
[5]Vol. iv. page 150.

conjungit; ergo magis diminutus, et aliquando magis vitiatus, videbitur, quam processu phlogisticato solo reditus fuit[1].

IV. Ejus experimenta de aëris fixi parte una, et dephlogisticati vel phlogisticati partibus viginti, quæ aquam calcis turbavere, etiamsi partes viginti et una aëris communis eundem non præbuere effectum, me judice, multum illius theoriæ oppugnant. Nam, si aër fixus nihil sit nisi aër dephlogisticatus, majori materiæ inflammabilitatis conjunctus, quam ab aëre communi tenetur, quid obstat, quo minus aëres dephlogisticatus ac fixus, agitatione commixti, aëra communem efficiant, et sic phlogiston per totum diffundatur?

V. Conclusiones e sex modis aëris nitrosi, continuata serie appositis duobus dephlogisticati, unde aqua calcis præcipitationem subiit, non tam validæ sunt ac primo intuitu apparent. Sex tantum modi aëris nitrosi apponebantur; abhinc colligo aëra dephlogisticatum non omnino sincerum fuisse; nam, testante illust. Ingenhouz[2] et Fontana, aër dephlogisticatus octo modos aëris nitrosi ad saturationem accipiet; et Kirwan videtur apposuisse tantum aëris nitrosi, quantum aër fuus dephlogisticatus reciperet. Licet ergo credere, aquam calcis aliquantulo aëris fixi inquietatum esse, et Dr. Priestley[3] notat, paucos conscire quam parvum aëris fixi postulatur speciem insigniter perturbatam in aquæ calcis magna quantitate efficere. Ut hoc experimentum extra dubium poneret, debet scrutavisse quantum aëris fixi in sedimento calcario contentum fuit, et inter eundem aërisque dephlogisticati diminutionem rationem instituere; hoc autem non fecit; aëris diminutionem tantum observavit, quæ semitam semper fallacem monstrat.

VI. Quoniam theoria ipsa (nisi quod ad acidum aëreum) vix ad nostrum argumentum attinet, non in animo est, ea immorari diutius, singulum animadvertendo. Mirari non nequeo, opiniones omnino adversas, experimentis pariter potentibus suffulciri. Scheele[4] asserit, aëra dephlogisticatum, acidum esse, probabiliter aëreum, phlogisto consociatum; dum Kirwan vindicat acidum aëreum, conjunctionem ejusdem aëris dephlogisticati phlogistique esse, et ambo fere æquo marte pugnant. Neutram pro vera accipere possum; sed minime postremam; mirificum videtur, aëra phlogisti servari expertem quantitate aëris phlogisticati ipsius. Ut aër phlogisticatus aëra contra phlogiston defendat, *arctissima conjunctione* est opus; sed quid obstat quo minus phlogiston in aëre phlogisticato redundans aëri puro se adjungat, et (secundum illust. Kirwan sententiam sæpe memoratam) totum in acidum aëreum convertat?

Et hic notandum est, analogiam, a semetipso adductam, suæ theoriæ adversari; varias aëris dephlogisticati nutationes suspectas, acidi vitriolici statibus diversis, contulit, phlogisti conjunctione apud utrumque multum eorum qualitates mutante; aëra dephlogisticatum, oleo vitrioli; fixum, acido volatili sulphureo; et phlogisticatum, sulphuri ipsi comparavit. Mecum de similitudine reputans, sulphur, acidumque vitrioli purum, commiscui, et ope ignis ea ita confudi, ut acidum vitrioli antea purum, phlogisto vitiatum, ejusque magna pars in acidum volatile mutata esset, sulphure multum imminuto, et suspicor, quod, si processus ad finem perductus sit, universæ materiæ simili modo volatiles redderentur. Exinde concludere licet, nihil eorum actioni necessarium videri, nisi *arctam conjunctionem*[5].

VII. Vult quoque nobis suadere, naturam communem esse aëri fixo ac phlogisticato, quia aër fixus materiæ inflammabilitatis adjunctus, seu scintilla electrica, sive alio quovis modo, in aqua, aëri phlogisticato similis, solvi nequit; et quia cum in aqua, cujus

[1]Vide Priestley, vol. 1, pag. 158, et multos alios, in quibus hoc procul dubio confirmatur; Philosophical transactions, ut supra, pag. 221, quoque Scheele on Air and Fire, pag. 163, Par. 594.
[2]Experiments on Vegetables, &c., page 159.
[3]Vol. V. page 111.
[4]On Air and Fire, page 157, §93.
[5]Quoniam, quod nunc protuli, a plurimis in chymia auctoribus negatur, et siquedem res notatu dignissimæ experimentum comitabantur, eas plenius explicandi veniam datum iri spero.
Accuratissimus Macquer[1] affirmat acida pura nullam videri vini in sulphur exercere; et claris. Beumè (postquam illi acidum vitrioli forte affuderat, eaque aliquantulum calefecerat), nullos sensit effectus, præter sulphur acido natans forma olei, et quando frigescebat, subviridem præstans colorem. Cum impos-
[1]Dictionnaire de Chimie, sur l'article *Soufre*.

superficies partim aëri communi objicitur, commovetur, in aëra respirabilem converti potest. Plurima phlogisto adjuncta, insolubilia in aqua evadunt; nec ulla extat causa, cur aër fixus non æque ac aër communis, hac conjunctione, ita insolubilis fieret. Si eum pro acido habeamus, similia exempla inter acida invenientura; namque acida vitrioli, sulphuris; nitri, forma aëris nitrosi, et phosphorus sunt in aqua insolubilia. De fallaci aëris fixi in aëra respirabilem restitutione, credo errorem obtinere. Aqua, cujus superficies aëri communi exponitur, quando cum aëre impuro agitatur, in eum emittit *aëra saltem communem;* tunc igitur habemus *aër dephlogisticatum* e communi *phlogiston* et *aëre fixum.* Illæ tres materiæ, quæ in variis consociationibus et quantitatibus aëra communem probabiliter efficiunt; sed ante agitationem cum aqua, partem maximi momenti, scilicet, aëra dephlogisticatum, defuisse suspicor.

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sibilitas acidum vitriolicum sulphuri conjungendi, mihi videretur, simul theoriæ jam memoratæ multum auxiliari, et legibus chymiæ universalibus omnino adversari, modo sequenti experimentum iterare decrim.

Exiguæ quantitates sulphuris et acidi vitriolici aqua aliquantulum attenuati, in parvo vase vitreo retorto positæ fuere, cui tubus satis idoneus luto accommodatus fuit. Ejus terminus collocatus fuit sub phiala hydrargyri plena, et in cratera idem quoque metallum continens, inversa. Lucernæ flamma vasi retorto adhibita, et ibi horam vel diutius retenta fuit. Eo tempore, sulphur gradatim liquefactum est, et natavit in acido ubique oleo simile; postremo, phiala, hydrargyri ante referta, fluido pellucido, vique resiliendi prædito, impleri reperta fuit; portione parva liquidi cujuspiam infra id visa, quod nihil præter aquam esse inventum fuit; etiamsi, acidi sulphurei volatilis aliquid ibi adfore speravi, nam vapor pungens semel vel bis per lutum avolavit. Aër in phiala contentus, cum aqua calcis concitatus, nulla perturbationis signa monstravit; sed flamma ad eum caute introducta, extemplo elanguit, et cito restinguebatur.

Proximo die, acidi et sulphuris residua spectata fuere; prius inventum fuit pellucidum, etiamsi coloris succinei; et pars posterioris magna, vasis fundo permansit in forma solida et rotunda. Iis integræ quantitates acidi sulphurisque additæ fuere, et ope ejusdem apparatus, phiala priori capacior (continens uncias decem vel duodecim) aëre impleta fuit, in horis circiter duabus; sed antequam hoc perficeretur, necesse fuit duas lucernas adhibere, aër iisdem periclitationibus convenit, ac priori nocte; nam flamma primo obscuram præbuit lucem, et cito sese extinguebat. In hoc experimento, magna acidi volatilis vis emissa fuit; multo major quam in priori; nam plerumque per lutum perrupit, et ita clare sensibus proderetur, ut falli nequirem. Cum suspicarer, flammas satis caloris ad id quod volui perficiendum, non suppeditare (nam portio sulphuris haud negligenda in acido adhuc solida conspiciebatur), ignem potentiorem adhibere statui. Prunis ardentibus igitur per duas horas adhibitis, integrisque quantitatibus acidi ac sulphuris ante additis, copia summa acidi volatilis tum demum gignebatur. Acidum in vase retorto restans examinatum non pellucidum, sed opacum, atrum, spissum, ac oleosum inventum, et ubique per id pulveris subtilissimi abunde diffundebatur. Sulphuris aliquantulum, sed vix tertium totius, immutatum restitit; reliquæ partes, ut conjicio, vel in hunc pulverem conversæ fuere vel, cum acido conjunctæ, vaporem sulphureum volatilem formavere. Acidum ipsum spissatum, postquam pulvis subsidebat, clara phlogisticationis signa præbuit. Præter colorem mutatum, odorem tetrum et pungentem, etiamsi frigidum, edidit. Tentamina sequentia facta fuere cum pulvere bene loto ex acido adhærente.

Charta exsiccatus, et flammæ admotus, cum odore leniter sulphureo cremabatur. Alkali fixum causticum ejus portioni additum, eum mutavit ad colorem subrubre flavum, et non visum fuit ejus multum solvere; acidum vitriolicum huic iterum additum præcipitatum sulphureum subrubrum paravit. Alkali mite vegetabile, ejus alteri portioni, cito colorem sulphureum dedit; sed vix ullum solvere potuit. Caloris applicatio in exemplo neutro visa fuit solutionem promovere, sed pulveris colorem mutavit in suscum et ferrugineum. Alkali volatile mite, repentine et large affusum, eum, primo ad colorem subrubrum, citoque postea ad suscum vertit; sed cum alteri portioni sensim et parce stillatum fuit, effecit aspectum sulphurosum, cito in subnigrum transiturum. Alkali causticum volatile effectus priori tam similes produxit, ut sejunctæ descriptionis haud egeant; sedimentum nihilominus magis virescebat, antequam nigresceret.

Omnina phæneomena hoc experimentum comitantia, enodare haud omnino facile foret. Res ob quam tentamen institutum fuit ad amussim demonstrari videtur, et probationes etiam validiores iis nunc memoratis accipiebantur. Exempli gratia, acido vitrioli et sulphure sincerissimis comparatis ex amico erudito Jacobo Russell chirurgo (æque in rebus chymicis ac in medicis, et apprime in utrisque perito), in horæ singulæ spatio, cum casus apparatui adversus me desinere cœgerit, acidum omnino phlogisticaticum fuit; sulphur ponderis quasi tertium amisit; et, vasis patefactis, vapor acidi sulphurei sese monstravit.

Aër qui provenit, minus respiratione idoneus quam aër communis fuit. E materiarum utra originem duxit, haud affirmare audeo; si vero in re tam obscura conjecturis uti liceat, suspicarer, eum fuisse aëra dephlogisticatum, forsan ex acido vitriolico mascentem, conjunctum cum phlogisto e sulphure in acidum volatile convertendo. Hoc modo explicare possumus ejus impuritatem; et hæc opinio confirmatur observatione, quam plerumque compertam habui, cum aër abundantissime oriretur, acidum pauca tantum phlogisticationis signa ostendere. Ita, cum acceptæ fuerint aëris unciæ duodecim, acidum vix ad succineum colorem mutatum; sed, cum in horæ spatio acidum perfecte vitiatum fuit, vix unciæ tres aëris avolavere. Quibus causis varietates in aëris quantitate tribui debent, nisi caloris applicati gradibus diversis, difficile foret dictu; suspicor tamen acidum non vitiatum esse, quia aër purus sese phlogisto consociavit.

De sedimenti candidi phænomenis, nescio quid sit dicendum Sulphur sæpe detectum fuit eodem cum albore; sed unde dotes tam raras impetraret, non possum rationem aptam reddere. Opinor equidem, id sulphur esse, cum phlogisti minore, quam ei naturaliter conjungitur, sed cum majore quam acido volatili consociatur. Multum piget, huncce libellum tam raptim peragenti, tempus deesse, pulveris illius naturam indagandi, præcipue quoniam spes eum parandi nuper frustratæ sunt; certus tamen sum, eum nullis fordibus originem debere, quoniam tertium sulphuris adæquavit; et siquidem, materiis puris in vasis vitreis, ardori potenti expositis, et bis forte neglectis tamdiu ut omnino in vapores abiverent, singulo tempore, lineas albas manifeste apud vasorum latera distinguere potui; indicia forsan satis perspicua eum adfuisse. Colligo igitur, quoniam artis esse eum e forma sulphuris, ad alteram transientem sistere, incepti eventum, multum ignis potestate mutari. Gradum opportunum arbitror aliquanto minorem esse, eo acidum vitriolicum ebulliendo pari. Cavendum autem est, ne ex aëris generati evolutione deduceremus, acidum ipsum ebullire, cum fervoris idonei plurimi gradus desint.

VIII. Ejus proximum argumentum, nempe, quod aëris fixi residuum, post plurimas absorptiones in aquam, et expulsiones ex ea, tale est, ut, etiamsi lucerna haud in eo flagrabit, mus tamen aliquandiu spirare possit, non multum valet. Hinc quidem colligit, naturam utriusque fluidi esse communem; sed huic multa facile objici possunt. Cum aqua aëra fixum recipiat, aliquantulum communis simul accipit, quod proxima ebullitio emittit. Sed, ni fallor, experimentum ejus theoriæ multum adversatur; nam cujus generis est aër ille in quo lucerna non flammet, sed mus facile vivet? An aër phlogisticatus, cum pauxillo aëris respirabilis? Unde potuit aër phlogisticatus ejus phlogisti redundantiam accipere? Non ex aqua, nam hæc nunquam ullum comparavit; nec ex aëre fixo, nam hic omnes dotes adhuc monstravit, quas credit auctor noster phlogisto ejus inniti; neque ex aëre respirabili, quoniam manifeste absurdum videtur, partem unam ullius fluidi, nimis quavis materia onerari, cum altera pars ejusdem fluidi suo proprio modo egeat. Agnosco equidem, illum, impuritatem, parvulo acidi aërei ei adhærenti, imputare; sed hoc pro causa non censendum est, quoniam Priestley[1] inquit, hocce residuum, alborem vix sensilem in aqua calcis efficere.

Si cogerer ejus præsentiæ rationem reddere, hoc inter alia dicerem, quoniam aër fixus et communis ad se mutuo trahuntur, et quoniam aliquid aëris fixi semper inventum est, non tantum in aëre communi, sed quoque in dephlogisticato; ita forsan aliquid aëris communis, semper aëri fixo conjunctum inveniri potest; unde non nisi tarde disjungitur, et hocce residuum sit.

IX. Illius ultimum argumentum nunc memorandum, de calce semi-metallica, magnesio nigro, adeo est obscurum, ut me id parum intelligere confitear. Inquit, Scheele probravisse, id solummodo in acidis phlogisticis perfecte solvi posse; sed quoque solvi potest in aqua acido aëreo impleta, et exinde colligit, aëra fixum, acidum esse phlogisto oneratum. Sed (secundum suam theoriam) aër fixus est aër dephlogisticatus phlogisto oneratus; ergo aër dephlogisticatus acidum est; cujus proprium, ne quidem minimum, unquam possidere inventus fuit. Hic quoque suspicor, illum alio argumento fallaci usum esse. Scheele dixit, id *perfecte* solubile esse tantum in acidis phlogisticatis, et non reminiscor cujuspiam auctoris, qui docet id *perfecte* et omnino solubile esse in acido aëreo. Quod inde colligendum hoc est, nempe confirmatio ejus indolis acidæ; nam mihi narravit chymicus peritus, magnesium quadantenus solubile esse in acidis vitriolicis et marinis, etiamsi phlogisti orbatis; et ipse vidi acidum vitriolicum purum, quod aliquamdiu supra calcem mansit, turbari et albescere, ei eddito alkali caustico. Si voluerit ejus doctrinam stabilire ope hujusce calcis, *aëra phlogisticatum* eam omnino et perfecte solvere potuisse, probare debuit; siquidem aër iste, et iste unicus trium specierum, secundum has opiniones, pro *acidio phlogisticato* æstimare debet.

Argumenta allata auxilio doctrinæ, aëra fixum conjunctionem quandum aëris puri cum phlogisto esse, jam examinavi; nunc pauca contra eam depromamus. Unde aër fixus acorem deducit? Quare aër dephlogisticatum et phlogisticatum præstat? Quam quod ad phlogiston (dotum variarum principium jactatum), inter eos medium obtinet locum. Cur est aër fixus plantarum vitæ tam infestus? Quoniam vel communis, vel phlogisticatus, iis fatis est propitius. Cur in aëre fixo necatur animal modo nonnihil diverso, et citius quam in aëre phlogisticato? Et postremo, quare nunquam fuit aër fixus ad aëris communis puritatem restitutus?

Illustr. Lavoisier[2] aliam insuper opinionem proposuit, quæ, etiamsi nonnullis in elementis, et in dictione, a priori discrepat, iisdem tamen experimentis sæpe nititur. Quoniam doctrinæ partes sunt in se tam mutuo involutæ, uti alia ab alia multum pendeat, et siquidem ejus confutationem aggredi, meas vires superaret, mihimet limites præsiniam, ejus sententias obiter narrandi, et pauca producendi contra ejus theoriæ partes quæ ad acidum aëreum attinent.

Affirmat, metalla, dum calcinantur, aëra dephlogisticatum absorbere; et cum ad

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[1]Vol. III, page 220.
[2]Essays on atmospheric air, and the constitution of the acids, translated by Henry.

statum metallicum reducantur, ope cujusvis rei inflammabilis, aëra dephlogisticatum e calcibus exeuntem cum aëre inflammabili, vel materia carbonaria rei inflammabilis (nam idem designant) conjungi, et sic aëra fixum effici. Dicit autem, calces, si ad statum metallicum reducerentur, sine ullo additamento (uti in mercurio præcipitato per se), aëra dephlogisticatum emissuras esse. Exinde compertum est, eum arbitrari metalla nullam materiam carbonariam comprehendere; si aër fixus in calcibus metallorum agitur fuerit retectus, ejus doctrinæ omnino oppugnaret, et deinceps eam opinionem, quam asserere vellem, confirmaret. Hoc effectum esse constat.

Priestley[1] ope lentis vitræ accendentis, nactus fuit e ferri *rubigine* aëris magnam vim, cujus duæ partes e tribus, acidum aëreum fuere, et tertia, aëre nitroso non diminuta fuit, sed flammam extinxit; ita ut totum videretur aër fixus esse, tantum cum majori residuo, partis quæ cum aqua haud misceri potuit. E *cinnabaris* in pulverem redactæ quantitate comperta, aëris fixi prompte aqua absorpti paravit magnitudinem quadragies majorem cinnabaris ipsius magnitudine. *Cerussa* quoque ope lentis ejusdem, aëra fixum omnino purum, produxit. *Vitriola* omnigena, aëra eundem dedere. Nec his objectandum est, horum plurima (uti cinnabarem, cerussam, et vitriola), esse calces cum alio quopiam conjunctas; cum, quod ad cinnabarem, ejus composito opinioni Lavoisier maxime oppugnat Ea calx est hydrargyri sulphuri conjuncti; sulphur, ipse affirmat acidum vitriolicum esse, aëris puri vel dephlogisticati orbatum; sed quod non censetur ullam materiam carbonariam continere, quoniam comburendo aëra fixum non efficit. Necessarium igitur foret, aliquem rationem reddere, cur cinnabaris (quæ quoniam calx est mercurii, alium præter aëra purissimum continere negatur, et hunc non cohibere putari potest, majori abundantia, quam comprehenditur in calce integerrima, nempe, præcipitato per se), cur hæcce materies nihil nisi aëra fixum sincerum emitteret? Cur aëris magnitudinem, magnitudine materiæ ipsius quadragies majorem emitteret, cum præcipitatus per se quinquies tantum majorem cedat? Et, si, calx mercurii aëra dephlogisticatum comprehenderet, et sulphur, eum absorbendo, se in acidum vitriolicum vertere potuit, cur aëre ex mercurio calore expulso, sulphur eum ad se non traheret, sicque, se in acidum vitriolicum mutans, totum in turpethum minerale mutaret? Metallorum conjunctio cum acidis puris, illius doctrinæ æque oppugnat; nam ea acorem ex aëre dephlogisticato obtinere ponit; igitur non credi possunt, materiam carbonariam calcibus dare[2].

Opinio autem acid ex aëre dephlogisticato solummodo effici, mihi videtur a veritate abhorrere. Illustr. Fontana[3] aëra fixtum obtinuit ex omni fere acido, vel vegetabili vel animali. Sed hoc speciatim oppugnat sententiæ, nempe, quod ex acido sacchari, sola ignis ope, magnam vim aëris fixi accepit, cum vix ullo aëre respirabili. Spectatu quoque dignissimum est (quoniam acidum aëreum creditur, quod ad multo maximam partem, ex aëre dephlogisticato componi, et idem aër acoris, principium esse), cur illud, tanto plus principii acoris, quam reliqua acida in se continens, sit nihilominus omnium debilissimum? Antea[4] narrabatur, conjunctis sulphure et acido vitriolico, aëra evolvi paulo pejorem aëre communi; hoc quoque videtur contra ejus theoriam de acidis militare. Jamjam memoratum est, hunc aëra probabiliter fuisse principio dephlogisticatum; hujusce aliquantum procul dubio retinuit, quum lucerna in eo flagrare potuit. Ex sulphuris diminutione deducere fas est, partem perditam, vel in vaporem volatilem, vel in acidum vitriolicum, mutari; quorum utrumque, aëra ad ejus compositionem postularet, eumque igitur absorberet, non emitteret. Nec huic respondendum, me conjecisse, hunc aëra non ex sulphure, sed ex acido oriri, quoniam talis conjectura

[1]Vol. ii, p. III, et sequent.

[2]Haud mihi constat, quin ulla metalli calx sive mercurii, sive plumbi, aëra dephlogisticatum absorbeat. Si phlogiston existere concedatur, suspicor id e metallo liberatum, aëra purum absorbendum corrumpere. Calces, quæ dum ad statum metallicum restituuntur, aëra dephlogisticatum emittunt, credo aëra communem absorbere. Ope ignis sola autem reducuntur, et calore affininitate mutante, calx, phlogiston ex aëre communi sibi conjungit, atque hunc quam maxime purum emittit.

Ita abunde constabit, cur aër fixus semper detegi possit in aere dephlogisticato quem metalla quædam revivicata emittunt, quique quod ad cætera apprime purus est. Ita quoque explicari potest unde calces quæ ad statum metallicum reductæ sunt sine additamento in vasis opertis, phlogiston compareant; nam adhuc minime probantur phlogiston idem esse ac ignem.

[3]Le Journal de Physique, A. D. 1778.

[4]Pagina 31, apud annotationem.

nostrum argumentum stabilire videtur. Si acidum ejus principii acoris orbatum sit, acorem ipsum amittere debuit. Cujus contrarium evenisse videtur, acido fortiore reddito. Color ejus quidem mutabatur; sed hoc non tribuendum est aëris jacturæ, si verum sit, quod cum aër evolutus fuerit in copia maxima, acidum minime mutatum fuit (et hoc absolute assererem, si propria observatione inniti auderem). Sed, utrum ita sit necne, hæcce nigrities illi causæ profecto non assignanda, quoniam produci potest radiis lucis, vel frusto quidem minimo materiæ inflammabilis, quod certe aëra dephlogisticatum non absorbere potest; nam Lavoisier ipse probare conatur, id aëra communem combustione minuendi potestatem non possidere[1]. En altera autem conjectura! Acidi pars in vaporem volatilem mutata est; idcirco aliquantum aëris dimisit. Hoc tamen quoque deficit; nam, si acidi quidvis, in vaporem volatilem conversum sit (calore solo id efficere minime sufficiente) sulphuri adjudicandum est. Illud autem agit ad se aëra trahendo (ipsum vaporis forma surrecturum; plus aëris ergo non ex acido evolveretur, quam sulphuri conjunctum fuit, hoc est, nullus in apparatum transire debet. Mirari itidem non nequeo, quomodo *portionis mephiticæ* tantum, quantum flammæ extinctionem brevi post tempore efficere suffecit (si aër dephlogisticatus corruptus non sit), unquam evenit cum sulphure vel acido vitrioli conjungi. Sed, quoniam hoc proprio argumento alienum est, id ulterius prosequi non licet.

Si ullam theoriam de acidi aërei natura evulgare rogarer, valde silerem. Ahuc forsan inscii sumus multarum dotum fluidorum aëreorum; sed longius adhuc remoti e notitia eorum naturæ et constructionis. Hoc tamen asserere ausim, quantum judicare licet, aëra fixum materiæ simplici æque appropinquare, ac ullum aëra, vel ullum acidum, et, e quibus conficiuntur, in utroque casu æque ignari sumus.

De Acidi Aerei in Medicina Usibus.

Res cujus vires antisepticæ in materiam exanimem toties monstratæ fuere; et quæ effectus tam insignes, quam aër fixus, in corpus vivum edit, medici attentionem semper efflagitare videbatur. Idcirco ejus in medicina dotes jam bene exploratæ sunt, et sæpe faustissimo cum eventu expertæ, aliquando mehercle ultra spes ei etiam maxime addictorum; ita ut quidem eo solo inniti adducantur, vel in morbis valde periculosis, ubi lethum imminere videbatur. Sæpissime tamen apud medicos, remedium quodvis laudibus evehendi avidos, eventus fausti soli memoriæ produntur, dum infausti ex toto vel fere celantur. Hoc modo, qui medicinam a libris solis haurit, is sæpe credulitatem vel infortunium dolebit, donec, experentia doctus, scriptis plurimis fidem caute addat. Siquis, exempli gratia, aëri fixo soli confideret, eum haud dubie erroris pœniteret; sed asserere ausim, eum sæpe præpotentem adjutricem fore, consociatum cum remediis crebro perspectis et probatis; sed nullæ dotes adhuc cognitæ, nec mirus eventus quem ejus usus interdum exhibuit, medicum ei soli confisum, vita periclitata, culpæ liberare possunt.

Administratur vel in statu aëreo, vel cum liquido quodam conjunctus. Statu in aëreo interne sumitur, inspiratione, nempe, ac enematibus, externe quoque ulceribus admovetur. Priestley ejus usum externum quibusdam in morbis laudavit, ejusque consilium cl. Dobson felicissime fuit secutus. Ejus inspiratio non adeo metuenda est, ac a priore suspicati essemus; nam pericula iterum iterumque instituta monstrarunt, eum, dummodo aëri communi satis commixtum, et ore solo haustum, esse non modo tutum, sed gratum. Ubi enemata necessaria sunt, apparatus concinnus, ei qui vaporem nicotianæ injecit similis, ab Hey[2] fuit descriptus. In hoc aëra fixum adhibendi modo cavendum est, ne ullus aër communis, una cum fixo, intestina intret; quoniam ibi non absorberi queat, et abdominis inflationem molestimaque crearet.

Quomodo acido aëreo implentur fluida, tam omnibus notum est, ut hic id non memorare oporteat.

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[1] Effects of combustion on air, page 26, translated by Henry.
[2] Priestley, &c. vol. I, page 296, append.

Aër hicce vim stimulatricem, æque ac antisepticam, corpori humano præbere videtur: aquæ minerales aliquando ebrietatem temporalem movent, eodem modo ac vina quædam, aëre fixo impleta; et experimenta a Doctore Dobson instituta, probant eandem esse ejus naturam in statu aëreo. Morbi etiam in quibus commodo sit, ejus potestatem stimulantem testantur. Antequam hos memoro, forsan necesse erit commonefacere, sequi nullam nosologiæ feriem, sed morbos tractare, ut similia signa eos in memoriam revocant, esse in animo. A morbis localibus incipiam.

Aër fixus *ulceribus vetustis, et sanatu difficilimis* sæpe prosperrime admotus fuit, vel, e materia fermentante, uti daucorum cataplasmate, vel e mistura effervescente, sicut acido vitriolico et terra calcaria oriundus. Hujusmodi exempla, a viris infig. Percival[1] et Dobson[2] narrantur; sed una voce dicunt, etiamsi *cancri* mala aliquando sublevat, se tamen nunquam morbum sustulisse; ulceris saniei aliquando fœtorem equidem diminuere, et dolores extenuare; sed morbi progressum vix umquam impedisse.

Forsan hujus remedii effectus salubres, in morbis nonnullis vel corporis totius, omnino ex eo partibus ulceratus adhibito oriuntur, ut posthac animadvertere erit.

Acidum aëreum, gangrænæ libere adhibitum, cum aliis antisepticis potentibus comitatum apprime utile inventum est. Percival[3] ejus usum expertus est, ubi crurum gangræna ultra spem esse videbatur; aliique medici ejus commodum confirmant; et quidem vesiculæ, in hoc morbo aliquando apparentes, et partis putredo, eum perspicue indicant.

Usus hujus medicinæ, in morbis ventriculi a vigoris defectu *orientibus*, optime spectatur. Olim equidem, usque, ad ætatem Riverii, antequam hoc philosophiæ caput indagatum fuerat, haustus effervescentes, ad vomitionem sedandam, summo cum fructu propinati fuerant; nec eorum existimatio imminuitur multis examinibus, quibus jam inde tentati fuere. Repertum quoque est, aëra fixum appetitum et vigorem ventriculo restituere, etiam ubi nulla vomitio adfuerit[4]. In ventriculi malis *arthriticis*, non exitu secundo, adhibitus fuit[5]; sed, in tali morbo, confugere ad remedia validore maluerim.

Aër fixus plurimis laudibus nuper evectus est in *calculo vesicæ*. Experimenta in calculis e corpore extractis Doctoribus Saunders, Percival, et Falconer instituta, notionem primo credibilem reddidere. Invenerunt calculorum quos experti sunt, compagem eo multum solvi, pondusque imminui, et probaverunt eum simul cum sanguine ad vesicam, pervehi posse, etiam copia tanta, quanta urinæ cujusvis eo in potu communi utentis, vim calculum solvendi impertiret[6]; et exempla traduntur, in quibus commode adhibitus fuit[7].

De veritate horum experimentorum et historiarum, non in animo est disceptare; me tamen non adducunt, ut aëra fixum inter valida lithontriptica collocarem. Celeb. Home eum dedit in Nosocomio nostro, cum eventu minime prospero; periculaque facta a Doctore Plunkett[8] ostendunt, eum non tam universalem, quod ad hanc vim, ac primo intuitu videretur, esse censendum. Nulla deinceps historia tradjtur, in qua procul dubio probatur eum calculum in vesica unquam solvisse. Theoria quidem ipsa, me judice, videtur hanc rem dubiam quodammodo reddere. Cognoscitur, calculum effici ex urinæ sedimento, quod in variis hominibus multum mutatur, et, etiam in eodem, non semper sibi constat. Suspicor autem, id aliquando ex ossibus sanguine evehi, et in vesicam excerni; hoc (quoniam ossea terra est) a cel. Scheele et Lewis probatur terra calcaria esse, cum acido phosphori arctissime conjuncta, et ergo non aëris fixi imperio obnoxium. Mucus quoque animalis qui, sæpe partem majorem,

[1]Priestley, &c., vol. I, page 303, append.
[2]Medical Commentary On Fixed Air, pages 108 to 115.
[3]Idem, page 50.
[4]Idem, page 124.
[5]Idem, page 127.
[6]Priestley &c., vol. III, page 368, Append.
[7]Dobson's Medical Commentary, &c., pages 138 to 144.
[8]In Dissertatione Inaugurali de Aëre Mephitico, A. D. 1779, edita.

aliquando quidem calculi totum efficit, in acido aëreo non solubilis est. Ii revera calculi soli, qui e terra calcaria componuntur, aëris fixi potestati cedunt, iique ipsi, aliquando ejus actione resistere possunt. Compertum est, vesicam irritatam, multum muci secernere, quem calculus ad se ipsum vestiendum attrahit; hic, ut jam memoratum fuit, in aëre fixo non solvendus, forsan terram intra se tutatur, eadem ratione, ac tenuis auri lamella, glandem argenteam in acido nitroso tueretur; et observari oportet, calculos, in quos experimenta extra corpus humanum instituta fuere, nulla muci lamella tectos fuisse, unde forsan diversus exitus ederetur. Insuper, notare volo, si inductioni chymicæ ulla sit fides, licere dubitare, utrum vel alkali causticum ullam vim exhibere potest, nisi in calculum e muco et terra calcaria compositum; et opinor, si terra ossea unquam in eorum constructionem intret, remediorum neutrum jam memoratorum quaslibet dotes solventes possidere, siquidem acidum phosphori affinius calci vivæ, quam alkali vegetabili est.

Traditur apud medicos plerosque, uti consilium nunquam negligendum, alkali causticum et acidum aëreum, eodem tempore, non esse adhibenda, siquidem eorum vires sunt omnino diversæ. Confiteor, me de hac re reputantem, utrum consilium esset in omni casu rectum, dubitasse; quæ dubia, etsi parum experimentis fulta, nunc proponere audebo. Dictum est, calculos nonullos nec in alkali caustico, nec in acido aëreo, solubiles esse. Hoc effici putavi, propter partem componentem forsan præcipuam, terram scilicet osseam; mihi tunc operæ videbatur pretium, considerare, num ope duplicis affinitatis, adhibito alkali *quam maxime* cum acido aëreo onerato, alkali ad acidum phosphori et aër fixus ad terram calcariam jungerentur. Ut hoc periculo subjiceretur, aliquam terram osseam in pulverem redactam paravi, et acido vitrioli supra eam affuso, aër fixus non evolutus fuit. Tunc ejusdem altera portione, in phialam immissa, ei fuit salis alkalini vegetabilis solutio affusa, tanto aëris fixi conjuncta, quantum cohibere potuit. Phiala obturata, in calore, circiter corporis humani, quadraginta octo servata fuit; transfusa tunc solutione, et sedimento bene loto, ei affudi acidum vitrioli, cum effervescentia manifesta et diuturna[1]. Exinde conjicio, etiam in tempore tam brevi, aliquod e sedimento in terram calcariam mutatum esse, acidi phosphorici nonnulla, sali alkalino conjuncto. Simili argumento quoque suspicor, si calculus e muco animali et terra calcaria compositus sit, alkali ejusdem aëris maxime plenum, mucum solvere posse; nam aër fixus terræ calcariæ debet sese conjungere, ad quam majore vi adducitur, quam ad salem alkalinum, et hoc modo ille mucus, cujus incrementum probabiliter aëris fixi potentiæ oppugnat, semper solveretur. Hoc pacto, forsan alkali quod causticum, ægris tam nocet, eorum corporibus mite evaderet, sed vim dissolventem non amitteret.

Etiamsi acidi aërei dotes lithontripticæ omnino improbatæ sint, tamen summo cum fructu calculo laborantibus adhiberi potest. Cum alkali causticum diu usitatum sit, sæpe ventriculi robur imminuit, et fluidis putredinem infert. Aër fixus probatus est, his utrisque malis adversari, et (si eorum conjuncta exhibitio non placet), propter has rationes, cum lixivio commode alternari potest. Quinetiam, cum calculi irritatione ulcus in ureteribus vel vesica efficiatur, tunc acidum aëreum utilissimum foret, et propter diluentia ejus usum semper comitantia, et quia repertum est ulcera expedite fanare.

Morbis localibus in quibus utiliter usurpatus est, nunc ad finem perductis, ad universales pergamus.

Historiæ tot narrantur, de aëris fixi miris effectibus in typho putrido, quod multum adducor eum summis viribus commendare maxime autem, quia cum omnibus solitis contra hunc morbum remediis conjungi potest. Putredinem impedit, et si

[1]Factor equidem, fontem erroris hoc in experimento existere; nam, si acidum vitrioli terræ osseæ *large* affusum sit, mistura propter calorem effervescere videtur. Sed acidum nunquam large stillavi; cujus (quantum conjicere potui) usus sum quantitatibus rationem quandam tenentibus ad quantitatem terræ, tum priusquam alkalinam solutionem huic conjunxi, tum postquam sedimentum lotum fuit. Spero igitur me hunc errorem evitasse.

diarrhœa ægrum tentaverit, hanc optime compescit. Quicunque vult accuratius in ejus potestatum inquirere, historias a Percival[1], Hey[2], Dobson[3], Warren[4], et Rotherham[5], traditas, adeat; hæ enim ejus potestatem prorsus evincunt.

Methodus aptissima, aëra fixum in hoc morbo adhibendi, est ægri vinum vel potum, et, si diarrhœa supervenerit, enemata, eo implere. Si opus sit aëra fixum liberrime impertire, optime con ficitur, alkalinam solutionem quam maxime aëre fixo onerando, secundum methodum a cel. Bewley[6] memoratam; hoc modo acidi aërei quantitas, magnitudinem aquæ tribus vicibus superans, exhiberi, alkalique ab aëre disjungi, et neutrum reddi, ope acidi cujusvis postea hausti, potest.

Sed notandum est, nec vinum, nec ullum fluidum acidulatum, sic onerari valet; quoniam alkali acido aëreo haud conjungi potest.

Siquidem *pestis* nunquam apud nos sævierit ab aëris fixi investigatione medica, possumus solummodo conjuicere, ex ejus usu in typhis, aliisque ejusdem generis morbis. Historiæ quidem narrantur, in quibus commodum ex eo oriri videbatur; sed cœli tempestas, vel aliud non notatum, æque honorem vindicaret. Dotes compertæ tamen ejus in hoc morbo potestatem monstrare videntur.

In *angina maligna*, et totius corporis, et ulcerum habitus, aëris fixi usum postulant. Henry[7] casum memorat, quem recordari haud absonum erit, nempe, ejus diuturnam exhibitionem, cum ulcera detergerentur, faucium inflammationem induxisse.

Idem remedium in *variola confluenti et morbilis putridi generis*[8], eadem signa indicant. In variola, et forsan quoque in morbilis, ex usu esset, ægrum nudo corpore vaporibus e materia fermentante surgentibus exponere.

Multi de illius usu in *phthisi pulmonali* dubitavere; et si quis inde plenum auxilium expectabit, ejus spem fore irritam, multum timeo. Hoc tamen dicendum, illum sæpe spiritus fœtorem imminuere, et febrem hecticam sublevare; medici vel sagacissimi etiam narrant, hocce remedium aliquos ad secundam valetudinem restituisse[9]. Sed exitus tam faustus vix unquam sperandus est; nunquam cum tubercula adsint; nec nisi cum pulmones læsi sint, vel pneumonia, vel injuria externa[10]. Levamentum autem non injucundum in malo tam lethali, haud aspernandum est.

Aëra fixum toti corpori debili, in hoc morbo prodesse, quibusdam placet; suspicor tamen, eum ulcera præcipue afficere. Tempus ergo optimum eum adhibendi esse credo, cum sputa purulenta sint; si tunc felices simus, ac ulcera detergeantur, remedium vix diutius adhiberi debet; ne, iis ad sanandum jam paratis, illius inspiratio pulmones irritaret, et sic partium adhuc tenerarum inflammationem augeret, ut nuper dictum est in angina maligna evenisse.

Sagaciss. Percival, conjecit ex ejus effectibus in typho, eum in *dysenteria* fructuose præcipi potuisse, et periclitationem suade[11], Mihi videtur, aëra fixum accommodari nullius morbi symptomata melius sublevando, vel forsan amovendo, quam dysenteriæ. Pyrexia eam comitans semper fere typhodes est; Doctoris Percival analogia, hic igitur multum valet; et quoniam intestinorum agitatio incomposita, ex symtomatibus molestissimis in hoc morbo est, alvi citationem et tenesmum gignens, haustuum effervescentium bene notæ vires, ad actionem ejusdem generis in ventriculo sedandam, et acidi aërei potestas, ad diarrhœam in febris stadio novissimo compescendam, ejus injectum indicant. Aliud quoque commodum ex ejus usu oriri potest. Si (ut sæpius accidit) intestina ulceribus corroderentur, ea sanabit. Nec illius laudes theoria sola nituntur. Henry[12] memorat duas historias, in quibus,

[1]Priestley, vol. I. page 300, Append.
[2]Idem, vol. I. page 292, Append.
[3]Medical Commentary, &c., from page 28 to 32.
[4]Priestley, &c., vol. II. page 375, Append.
[5]Percival's Essays, vol III, page 237.
[6]Priestley, &c., vol. III, page 356, Append.
[7]Experiments and Observations, &c, page 127.
[8]*Vide* London Medical Observations, vol. IV, art. xi.
[9]*Vide* Priestley, &c, vol. I, page 301, Append., and Medical Commentary, &c, pages 58 to 60.
[10]Medical Commentary, &c, page 58.
[11]Priestley, &c, vol. I, page 305, Append.
[12]Experiments and Observations, &c, page 125.

hujusmodi enematum usus, dejectionum fœtorem imminuit, abdominis tumorem reduxit, et multum adjuvavit ægrotorum dolorem et miseriam lenire.

Nullius medicamenti beneficia melius comperta sunt, quam acidi aërei in *scorbuto*. Tentamina creberrime iterata nunc comprobavere quod illustr. Macbride primo suggessit. Siquidem nescio quomodo sanationes perfectæ, ope bynes infusionis, æque ac aëris fixi evolutione, explicari possint, huic eas tribuere volo. Omnino supervacaneum igitur foret tempus terere, aliquas ex historiis optime notis segregando. Fortasse tamen aër hicce prophylaxis potius quam remedium est. Etiamsi haud dubium videtur, quin vegetabilia recenter parata, ad curandum conferant, acidum aëreum evolvendo; et Dobson[1] inquit, nautas, in portum appulsos, hoc morbo laborantes, ad valetudinem secundam se restituisse, ope alkalinæ solutionis aëre fixo oppletæ, et haustuum effervescentium.

Legibus hujus academiæ morem gerens, quicquid de acido aëreo inveni, jam in unum collegi; nil itaque restat, quam ut lectorum clementiam obsecrem, erga opus juvenile, cito peractum, sed citius periturum. Quibuscunque scateat delictis, auctorem condonantes, oro, leni corrigite manu!

Mens gratissima quoque vobis, Professores eximii, ob præcepta utilissima toties tradita, lubentissime grates effundit, et ante alios cel. Cullen, nemini medicorum secundo, cujus curam ac amicitiam sæpius fui expertus; nec non cl. Black, philosophorum principi, cujus sub auspicio me chymiæ principia didicisse, semper gloriabor.

FINIS.

[1]Medical Commentary, &c, page 62.

By what peculiar plea can our Presbyterian countrymen defend their comparative alienation? They boast their love of liberty. Is national liberty—the right of a people to govern itself—less worthy of that love than religious freedom, for which they claim so proudly to have fought?

Thomas Davis, The Nation, Nov. 13, 1847.

There are ample means of crushing the Rebellion in Ireland, and I think it now is very likely to go off without any contest, which people (and I think with right) rather regret. The Irish should receive a good lesson, or they will begin again.

Letters of Queen Victoria to the King of the Belgians, August 1st, 1848—Part of first edition suppressed.

Note VI

(See Vol. I.—Page 220)

A curious legal document—The marriage settlement between Thomas Addis Emmet and Jane Patten executed Jan. 11, 1791.

Among the family documents we find the marriage settlement made between Thomas Addis Emmet and Jane Patten, his intended wife. It must seem to all but the legal expert a most curiously voluminous and wordy document. To save the time of the reader, who may not be particularly interested in making an effort to ascertain its purpose, it may be stated that the object was a settlement of some two thousand pounds on Jane Patten, at her marriage, with a provision for disposing of the same after her death for the benefit of her children.

MARRIAGE SETTLEMENT.

THIS INDENTURE, Made the 11th day of January, in the year of our Lord 1791, Between Robert Emmett, of the City of Dublin, Esq., State Physician, and Thomas Addis Emmett, eldest son of the said Robert Emmett, of the 1st part, Jane Patten, of the City of Dublin, Spinster, Daughter of Margaret Patten, otherwise Colvill, widow, of the second part; the said Margaret Patten and William Colvill, of the City of Dublin, Esq., Executor of the last will and Testament of Elizabeth Colvill, deceased, of the third part; and James Patten, of the City of Dublin, Doctor in Physic, and Charles Hamilton, of Hamwood, in the county of Meath, Esq., of the 4th part. WHEREAS, a Marriage is intended shortly to be had and solemnized between the said Thomas Addis Emmett and the said Jane Patten, And Whereas, by Indented Deed of Lease bearing date the 13th day of Sept, in the year 1724, made or mentioned to be made between Richard Nutley, of the city of Dublin, Esq. of the one part, and James Ellard, Senr. of Barndaragh, in the county of Tipperary, Gentn., of the other part, the said Richard Nutley for the consideration therein mentioned granted and demissed unto the said James Ellard, in his actual possession then being by vertue of the Bargain and Sale therein recited and of the statute for transferring uses into possession, and to his Heirs and Assigns, all that part of Cressoil formerly held by Robert Hobbs, Gentn., Containing according to a Survey then lately made thereof by John Foster, Gentn., therein named, 151 Acres, be the same more or less, situated, lying, and being in the Barony of Kilenamanagh and county of Tipperary, and all houses, edifices, buildings, gardens and apppurtenances thereunto belonging or in any wise appertaining. To Hold the same premises with the Appurtances unto the said James Ellard, his heirs and assigns for ever, at and under the yearly rent of £62.1.3, sterlg., payable half-yearly as therein mentioned. And Whereas,—by Indenture of Lease bearing date the 22nd day of April in the year 1727, made between John Damer, of Tipperary, in the county of Tipperary, Esqr., of the one part, and Thomas Grove, of the Town and County of Tipperary, aforesaid, Gentleman, of the other part, the said John Damer, for the consideration therein mentioned, did demise and Let unto the said Thomas Grove All That and Those the lands of Ragheen, part of Kyle, in as large and ample a manner as the said Thos. Grove then enjoyed the Same, Containing 149 Acres and 16 Perches, Sit-

uated lying and being in Barony of Clanwilliam and County of Tipperary, with all and every rights members and appurtenances thereunto belonging or in any wise appertaining. To Hold the same unto the Said Thos. Grove his heirs and assigns for the three lives therein named and the Survivors and Survivor of them, at the yearly rent of 7s. per Acre for the first seven years and 7s. 6d, per acre for the remainder of the said Term, in which said Indenture of Lease is contained a Covenant for perpetual renewal thereof, on paying a fine of £25 sterling on each renewal. And Whereas all the estate right title and interest of the Said James Ellard by virtue of and under the said recited Fee Farm grant and Also one moiety of the right title of the said Thos Grove by virtue of and under the said recited freehold Lease, by several mesne assignments and descents came to and were legally vested in Mrs. Elizabeth Middleton, deceased, and Grace Emmett, late of Tipperary, aforesaid Widow, as the co-heiresses of James Russell, late of the Town of Tipperary aforesaid, Esq, deceased, and the said Grace Emmett being so seized and possessed, did in and by her last Will and Testament, bearing date the 9th day of April in the year 1788, Give devise and bequeath unto the said Robert Emmett all and every her freehold-messuages, lands, tenements and hereditaments Situate lying and being in the county of Tipperary, commonly called or known by the names of Raheen, part of Kyle and Crossoyl each and every of them To Have and To Hold all and every the said Messuages, Rents, Tenements and hereditaments with their and every of their rights Members and Appurtenents to the use of the Said Robert Emmett for and during the term of his natural life. He paying thereout to the child of Temple Emmett, Esq. deceased, the sum of £100 sterlg. and to his Daughter Mary Anne Emmett the sum of £50 sterl. and from and after the decease of the said Robert Emmett, or other Sooner determination of his Said life estate, to the use of the said Thos. Addis Emmett and the heirs male of his Body with other remainders over.

And Whereas—the said Jane Patten under and by vertue of an Indented Deed of Settlement or Articles Made upon the Intermarriage of the said Margaret Patten with the Rev. John Patten, deceased, Father of the said Jane Patten, and bearing date the 4th day of January in the year 1770 is entitled to a certain Provision or Portion herein particularly specified. And Whereas the said Jane Patten under and by vertue of the last Will and Testament of the said Elizabeth Colvill her aunt is entitled to a certain Legacy bequeathed to her in and by the said Will. And Whereas a Marriage is, with God's permission, intended to be speedily solemnized between the said Thomas Addis Emmett and the Said Jane Patten, and in consideration of the said intended Marriage and of the Settlement and Provision hereinafter made or agreed to be made upon the said Jane Patten, and the Issue, if any, of the said intended Marriage. She the said Margaret Patten and the said William Colvill, the Execor. of the Said Will of the Said Elizabeth Colvell have agreed to secure the portion or provisions to which the said Jane Patten is as aforesaid entitled under the aforesaid Settlement and Will, And for that purpose the said William Colvill hath this day, by and with the privity consent and approbation of the said Jane Patten and Thomas Addis Emmett, her intended husband, testified by their being executing Parties to these Presents, perfected his Bond with Warrent of Attorney for confessing Judgment thereon unto the said James Patten and Charles Hamilton in the penal sum of £2000stg. conditioned for the payment of the Principal Sum of £1000 with lawful Interest on the 11th day of January next. And the said William Colvill together with the said Margaret Patten have also this day by and with the privity consent and approbation of the said Jane Patten and Thos. Addis Emmett in like manner testified perfected their joint and several Bond and Warrent unto the said James Patten and Charles Hamilton in the penal sum of £2000 slg. conditioned for the payment of the farther principal Sum of £1000 on the day of the death of the said Margaret Patten, which said sum of £1000 and £1000 so secured as aforesaid are the whole of the Marriage Portion of the Said Jane Patten. And which said two Bonds and Warrents, it is intended and agreed by and between all the said Parties to these Presents shall be in lieu and full satisfaction of the Portion and provision secured to the said Jane Patten by the aforesaid in part recited Settlement and Will respectively, and in full satisfaction of the entire Marriage Portion of the said Jane Patten, and it is hereby declared and agreed by and between the said Parties to these presents that Said two Bonds and Warrents have been so perfected to the

said James Patten and Charles Hamilton upon the Trusts, and to and for the intents and purposes hereinafter mentioned expressed and declared of and concerning the same and none other.

Now This Indenture Witnesseth that for and in consideration of the said intended Marriage and of the said two several Sums of £1000 and £1000 slg. each, Making together the sum of £2000 stg., the Marriage portion of the said Jane Patten secured as aforesaid and for providing a competent Jointure and provision for the said Jane Patten in case she shall after the said intended Marriage had survive the said Thos. Addis Emmett, her said intended husband, and settling and assuring the Towns, Lands, Tenements, and Hereditaments herein after granted and released and for docking and barring all and every quasi Estate tail and remainder of and in the Town and Lands of Ragheer, part of Kyle, And also for vesting the said two sums of £1000 and £1000 in the said James Patten and Charles Hamilton upon such Trusts and to and for such intents and purposes and under and subject to such Provisoes, limitations and agreements as are hereinafter mentioned, expressed and declared of and concerning the Same and for and in consideration of the sum of 10s. slg. apiece to the Said Robert Emmett and Thomas Addis Emmett in hand paid by the said James Patten and Charles Hamilton at or before the ensealing and delivery of these Presents, the Receipt and Payment whereof is hereby acknowledged and for divers other good and valuable causes and considerations, them the said Robert Emmett and Thos. Addis Emmett thereunto moving, they the said Robert Emmett and Thos. Addis Emmett have and each of them hath, according to the nature of his Estate and Int^{t}. therein granted, bargained, sold, released, and confirmed, and by these Presents do and each of them doth as af^{d}. grant, bargain, sell, release and confirm unto the said James Patten and Charles Hamilton their Heirs and Assigns in their actual possession now being by virtue of a bargain and sale to them thereof made by the said Robert Emmett and Thos. Addis Emmett of the Term of one whole year by Indenture bearing date the day next before the day of the date of these presents in consideration of 5s. stg. and by force of the Statute for transferring uses into possession and to their heirs and assigns All That and Those the undivided Moiety of that part of the lands of Crossoil, formerly held by Robert Hobbs, Gent, containing according to a Survey formerly made thereof by John Foster, Gentleman, 151 acres, be the same more or less, situated lying and being in the Barony of Kilenemanagh and county of Tipperary aforesaid, together with all houses, edifices, buildings, gardens, and appurtenances thereunto belonging, or in any wise appertaining, and also All That and Those one undivided Moiety or half part of a divided moiety or half part of the said hereinbefore recited dimised and devised Lands of Ragheen, part of Kyle, in as large and ample manner as the said Thos. Grove formerly enjoyed the same, containing 149 Acres 16 Perches situated lying and being in the Barony of Clanwilliam and county of Tipperary, with all and every the rights members and Appurtenances thereunto belonging, or in any wise appertaining, and the reversion or reversions remainder and remainders yearly and other the Rents, Issues, and profits of the same and every part and parcel thereof, and all the Estate right title interest Property claim and demand whatsoever either at Law or in Equity of them the said Robert Emmett and Thos. Addis Emmett or either of them of in and to the same and every part and parcel thereof, To Have and to Hold the said undivided Moiety of the said Town Lands, tenements hereditaments, and premises of Crossoil, and every part and parcel thereof, with the appertenances unto the said James Patten and Charles Hamilton and their Heirs and Assigns Subject to the Rent and Covenants in the said fee recited farm grant thereof reserved and mentioned. And To Have and To Hold the said one undivided Moiety or half part of the said Lands of Ragheen, part of Kyle, unto the said James Patten and Charles Hamilton their heirs and assigns for and during the lives now in being thereof and the survivor and survivors of them and for and during the life and lives of such other persons as shall for ever be added pursuant to the covenant for perpetual renewal in said Lease mentioned and contained at under and subject to the Rents and Covenants therein also mentioned and contained, To such uses Nevertheless upon such Trusts and for such interests and purposes and with and under such provisoes, limitations, and agreements, as are hereinbefore mentioned, expressed and declared, of and concerning the same, that is to say—As to for and concerning the said undivided Moiety of the said Town and lands of Crossoil In Trust for

2

and to the use and behoof of the said Robert Emmett, party to these, and Thos. Addis Emmett, according to their several and respective Estates and Interests, therein at the time of and immediately before the execution of these Presents until the said intended Marriage shall be had and solemnized and from and immediately after the solemnization thereof, then in trust for and to the use and behalf of the said Thos. Addis Emmett, and his Assigns, for and during the term of his life, without impeachment of waste and with full liberty to do and commit waste and from and after the determination of that Estate in the lifetime of the said Thos. Addis Emmett. To the use and behalf of the said James Patten and Charles Hamilton and their heirs during the life of the said Thos. Addis Emmett upon trust to support and preserve the contingent Uses and Estates hereinafter limited from being defeated or destroyed, and for that purpose to make entries and bring actions, as the case shall require, But nevertheless to permit and suffer the said Thos. Addis Emmett and his Assigns during the term of his life to take and receive the Rents, Issues and profits thereof and of every part thereof to and for his and their own use and behoof and from and immediately after the decease of the said Thos. Addis Emmett, in case the said Jane Patten should happen to survive the said Thos. Addis Emmett, Then in Trust for and to the use and behoof of the said Jane Patten and her Assigns for and during the term of her natural life, without impeachment of waste and with full liberty to do and commit waste and from and after the determination of that Estate in the life time of the said Jane Patten To the use and behoof of the said James Patten and Charles Hamilton and their heirs during the life of the said Jane Patten In Trust to support and preserve the contingent uses and estates hereinafter limited from being defeated or destroyed, and for that purpose to make entries and bring Actions, as the case shall require. But Nevertheless, to permit and suffer the said Jane Patten and her Assigns, during her life, to take and receive the rents issues and profits thereof, and of every part thereof to, and for her and their own use and behoof, and from and immediately after the decease of the said Jane Patten, In trust for and to the use of such child, or children, issue of the said intended Marriage, as the said Thos. Addis Emmett shall by and Deed or Investment in writing executed by him, and attested by three or more credible witnesses, or by his last Will and Testament in Writing, and in like manner attested, limit direct and appoint, and for default of such appointment In trust for and to the use of the first second third and of all and every other the son and sons of the Body of the said Thos Addis Emmett to be begotten on the Body of the said Jane Patten his intended wife, severally successively and in remr. one after another as they and every of them shall be in priority of Birth and seniority of Age, and of the several and respective heirs Male of the Body and Bodies of all and every such Son and Sons lawfully issuing, the elder of such Sons and the Heirs Male of his Body issuing being always to be preferred and to take before the younger of such son and sons and the Heirs Male of his and their Body and Bodies issuing, and for default of such Issue then in trust and to the use and behoof of all and every the Daughters, if more than one, of the Body of the said Thos Addis Emmett, to be begotten on the Body of the said Jane Patten his intended Wife, as tenants in common and not as joint tenants and of the several and respective Heirs of the body and bodies of all and every such Daughters lawfully issuing, and if one or more such Daughter or Daughters shall happen to die without Issue of her or their Body or Bodies then as to the share or shares of her or their so dying without Issue to the Use and behoof the Survivors of said Daughters as tenants in common, and not as joint tenants, and of the several and respective heirs of the bodies of such survivors, And if all such Daughters save only one shall happen to die, without Issue of their bodies, or if there shall be but one such Daughter then to the Use and behoof of such only Daughter, and the heirs of her body issuing, and for default of such Issue, then in trust for and to the use of the said Thos. Addis Emmett, and the Heirs of his Body lawfully issuing And for default of such Issue then in trust for and to the use of Robert Emmett, the Younger Brother of the said Thos. Addis Emmett, and the heirs of his body lawfully Issuing, and in default of such Issue, then in trust for and to the Use and behoof of the said Thos. Addis Emmett, his Heirs and Assigns for ever, And as to for and concerning the said undivided Moiety or half part if a divided Moiety or half part of the said Town and Lands of Ragheen, part of Kyle In Trust for and to the use and behoof of the said Robert Emmett party to these Presents, and the said Thos. Addis

Emmett according to their several and respective estates and interests therein at the time and immediately before the execution of these Presents until the said intended Marriage shall take effect, and from and after the Solemnization thereof, In trust to permit and suffer the said Thos. Addis Emmett and his assigns for and during the term of his life to receive and take the Rents issues and profits of the said undivided Moiety or half part of a divided Moiety or half part of the said lands and premises of Ragheen, part of Kyle, to and for his and their own use and behoof and from and immediately after his decease, in case the said Jane Patten shall happen to survive the said Thos. Addis Emmet, her said intended husband, there in trust to permit and suffer the said Jane Patten and her Assigns for and during the term of her life to take and receive the said rents issues and profits of the said last mentioned Lands and premises for her and their own proper use and behoof, and from and immediately after the decease of the said Thos. Addis Emmett and Jane Patten there In trust to permit and suffer such child or children, issue of the said intended Marriage, as the said Thos. Addis Emmett shall by any Deed or Instrument in Writing executed by him and attested by three or more credible Witnesses or by his last Will and Testament in writing as aforesaid direct and appointed to receive and take the rents issues and profits of the said lands and premises And in trust to grant and convey all the said freehold premises to him her or them on his or her or their respectively attaining to the Age of twenty one years To Hold to him, her, or them, his her and their Assigns and for default of such appointment In trust to permit and suffer the first, second, third, fourth and all and every other Son and Sons of the Body of the said Thos. Addis Emmett, on the body of the said Jane Patten his intended Wife, to be begotten and the Heirs Male of the body and bodies of such Son and Sons lawfully Issuing to receive and take the rents, issues, and profits of the said last mentioned Lands and premises severally successively, and in remainder one after another, as such son and sons shall be in Seniority of Age and priority of Birth, the elder of such son & sons and the Heirs Male of his body always to be preferred and to take before the younger of said son and sons and the heirs male of his and their body and bodies issuing, and when and so soon as he or they shall respectively attain the full age of 21 years On Trust to grant and convey all the said freehold premises and the whole of the before mentioned Estates and Interests therein to such first second third and every other son and sons his and their heirs and assigns and for default of such issue then in Trust to permit and suffer all and every the Daughters of the body of the said Thos. Addis Emmett on the Body of the same Jane Patten, his intended wife, to be begotten, if more than one, and the several and respective heirs of the bodys of such Daughters to receive and take the rents issues and profits of the said last mentioned lands and premises as Tenants in common and not as joint tenants, and if one or more of such Daughter or Daughters shall happen to die without issue of her or their Body or Bodies, then as to the share or shares or her or them so dying without Issue to permit and suffer the Survivors of such Daughters and the respective heirs of the Body of such Survivors to receive and take the rents issues and profits of the said lands and premises as tenants in common and not as joint Tenants And if all such Daughters save only one shall happen to die without issue of their bodies, or if there shall be but one such Daughter then In trust to permit and suffer the said Thos. Addis Emmett and the heirs of his body lawfully issuing to receive and take the rents issues and profits of the said last mentioned Lands and for default of such issue then In trust to permit the said Robert Emmett, the younger, and the heirs of his body lawfully issuing to receive and take the rents, issues and profits of the said last mentioned lands and premises, and in trust to grant and convey the said leasehold premises according to the aforesaid several last mentioned limitations when and so soon as the person or persons entitled thereto under and by virtue of the said limitations shall respectively attain to his or their age of 21 years, and for default of such Issue of said Robert Emmett, the younger, then In trust to grant and convey the said last mentioned Lands and premises unto the said Thos Addis Emmett his heirs and assigns for and during all the rest residue and remainder of the aforesaid estate and interest in said last mentioned Lands and premises, And it is hereby declared and agreed by and between all the said parties to these presents that all renewals or new Leases of the said last mentioned Towns Lands and premises shall from time to time remain, continue and be subject to be liable to the same

trusts as are herein declared of and concerning the said Leasehold premises Provided always and it is hereby further declared and agreed by and between all the said parties to these presents and for their true intention meaning and agreement is that it shall and may be lawful to and for the said Thos. Addis Emmett and every other person and persons when & as often as he or they shall respectively be in possession of or entitled to receive the rents issues and profits of the said first and last mentioned Towns, lands and premises limited to them resp'ly under and by virtue of the limitations aforesaid to Demise and Lease the said Towns, lands, tenements, hereditaments and premises aforesaid, as well as those which are Estates of Inheritance as those which are held by the said recited Lease for lives renewable for ever, or any and every part and parcel thereof for one two or three lives, or for any number of years not exceeding 31 years, or for any number of years determinable upon one two or three lives in possession and not in reversion remainder, or expectancy so as upon every such Lease there be reserved and made payable during the continuance thereof the most and best improved Yearly rent that can be reasonably had or obtained for the same, at the time of making thereof without taking any sum or sums of Money, or other thing by way of Fine, for or in respect of such Lease or Leases and so as none of such Leases be made dispunishable of waste by an express words therein and so as every of the said leases be made by Indenture and not by Deed Poll, and in every of the said Leases there be contained a clause, or clauses of distress and Re-entry, for non-payment of the rent or rents to be thereby respectively reserved and so as the Lessee and Lessees to whom such Lease or Leases shall be made Seal and deliver counterparts of such Lease or Leases respectively anything herein contained to the contrary thereof in anywise notwithstanding And as to for any concerning the said two several Sums of £1000 and £1000. each herein before mentioned to be secured by the said two recited Bonds and Warrants It is hereby declared and agreed by and between all the said Parties to these presents that the same are hereby vested and shall be and remain vested in the said James Patten and Charles Hamilton and the Survivor of them his Executors and Administrators and shall be laid out applied and disposed of by them in such manner and for such purposes as are herein after mentioned expressed and declared of and concerning the same, that is to say, As to for and concerning the same first mentioned principal sum of £1000 so secured as aforesaid by the Bond and Warrant of the said Wm. Colvill In trust that they the said James Patten and Charles Hamilton or the Survivor of them his Executors or Administrators do and shall permit and suffer the said Thos Addis Emmett and his assigns from time to time for and during the term of his life to receive and take the yearly Interest of the said first mentioned principal Sum of £1000. to and for his and their own use and behoof And upon this further trust in case the said Jane Patten shall survive the said Thos Addis Emmett, her said intended husband to permit and suffer the said Jane Patten and her Assigns from time to time for and during the term of her life to receive and take the yearly Interest of the said first part mentioned Sum of £1000. to and for her and their own use and behoof and from and immediately after the decease of the Survivor of them the said Thos Addis Emmett and Jane Patten upon this further trust to call in and pay and hand over the said first mentioned principal Sum of £1000 and the Interest then due thereon to and amongst all the Issue of the said intended Marriage, in such shares and proportions as the said Thos Addis Emmett shall by Deed or Instrument in Writing execute by him in his lifetime and attested by two or more credible Witnesses or by his last Will and Testament direct and appoint And for default of such appointment to be equally divided amongst all such Issue, if more than one child, share and share alike. And if there shall be but one child Issue of the said intended Marriage then the whole of the said first mentioned principal sum of £1000 and all Interest to accrue and grow due thereon, after the death of the Survivor of then the said Thos Addis Emmett and Jane Patten to go and be paid to such one child and in case there shall not be any child Issue of the said intended Marriage then upon this further trust that they the said James Patten and Charles Hamilton and the survivors of them his Executors or Administrators do and shall immediately after the decease of the said Jane Patten without Issue of the said intended Marriage as aforesaid call in and hand over and pay the said first mentioned principal sum of £1000 and all Interest due and to accrue thereon after the Death of the said Jane Patten to the said Thos Addis Emmett his Executors Administrators

and Assigns to and for his and their sole use benefit and behoof And as to for and concerning the said other or second principal sum of £1000 secured as aforesaid by the said Bond and Warrant of the said Wm. Colvill and Margaret Patten In Trust that they the said James Patten and Charles Hamilton or the Survivors of them his Executors or Administrators do and shall after the decease of the said Margaret Patten permit and suffer the said Thos. Addis Emmett, in case he shall survive the said Margaret Patten, and his assigns from time to time during the term of his life to receive and take the yearly Interest thereof to grow due and be computed from the day of the Death of the said Margaret Patten to and for his and their own use and behoof and upon this further Trust in case the said Jane Patten shall survive the said Margaret Patten and Thos Addis Emmett her intended Husband to permit and suffer the said Jane Patten and her Assigns from time to time during the term of her life to receive and take the yearly Interest of the said other or second principal sum of £1000 to and for her and their own use and behoof and from and immediately after the decease of the survivor of them the said Thos Addis Emmett and Jane Patten, Upon this further Trust to call in and pay and hand over the said other or principal sum of £1000 to and amongst all the Issue of the said intended Marriage in such Shares and proportions as the said Thos Addis Emmett shall by any Deed or Instrument in writing executed by him in his life time and attested by two or more credible witnesses or by his last Will and Testament direct and appoint and for default of such Appointment to be equally divided amongst all such issue, if more than one child, share and share alike And If there shall be but one child, issue of the said intended Marriage, then the whole of the said other or second principal sum of £1000 and all interest to accrue and grow due thereupon, after the death of the Survivor of them the said Thos Addis Emmett and Jane Patten. to go and be paid to such one child and in case there shall not be any child issue of the said intended Marriage then upon this further Trust that they the said James Patten and Charles Hamilton or the Survivor of them his Executors and Administrators do and shall immediately after the decease of the said Margaret Patten and Jane Patten, in case the said Jane shall die without Issue of the said intended Marriage as aforesaid, call in and hand over and pay the said other or second principal Sum of £1000 and all Interest to accrue and grow due thereupon after the death of the said Margaret Patten and Jane Patten as aforesaid to the said Thos Addis Emmett his Executors Administrators and Assigns to and for his and their own sole use benefit and behoof. PROVIDED ALWAYS and it is hereby further declared and agreed upon by and between all the said parties to these presents that it shall and may be lawful to and for the said James Patten and Charles Hamilton and the survivor of them and his Heirs at any time after the solemnization of the said intended Marriage by and with the consent of the said Thos Addis Emmett testified by some Deed or Writing under his hand and seal to sell and dispose of all or any part of the said Towns and Lands of Crossoil and Ragheen, part of Kyle, with the appurtenances herein before granted limited and assured for the most money and best price that can be had or gotten for the same and with the like consent to call in the said first-mentioned principal sum of £1000, and from and immediately after the death of the said Margaret Patten to call in the said other or second principal sum of £1000, and for that purpose to revoke and determine all and every the uses limitations and trusts hereinbefore declared of and concerning the same, PROVIDED NEVERTHELESS that when all or any part of the said premises shall be sold in pursuance of these Presents, all and every sum and sums of Money to arise by such Sale together with the said two principal sums of Money of £1000 and £1000 or such part thereof as shall then be called in shall with such consent as aforesaid be laid out and invested in the purchase of Towns lands, tenements and hereditaments in fee simple or fee farm grants, or Leases for lives renewable for ever in possession to be situated in Ireland, free from incumbrances, which said Towns lands tenements hereditaments when purchased shall be settled and conveyed to such and the same uses upon the same Trusts for such and the same ends intents and purposes and under and subject to such and the same Provisioes limitations and agreements as are in and by these Presents limited expressed and declared contained and mentioned of and concerning the said premises hereby granted and released & of and concerning the said two principal sums of £1000 and £1000 or as near thereto as the Death of Parties and other circumstances will admit of And the said Thos. Addis Emmett and Jane Patten his intended wife in considera-

tion of the said Marriage Portion secured and settled as aforesaid and for several other considerations, them thereunto respectively moving Do and each of them Doth hereby for them and each of them their and each of their Executors Administrators and Assigns release, acquit, and discharge, the said Wm. Colvill and Margaret Patten and their respective heirs, Executors and Administrators for ever, of and from the payment of all and every or any sum or sums of money which she the said Jane Patten ever was or at any time hereafter can or may upon any contingency or event be entitled to receive or be paid by the said Wm. Colvill, as Executor of the last Will and Testament of Elizabeth Colvill deceased, the said two sums of £1000 and £1000 so secured and settled as aforesaid be and being hereby agreed to be taken as the whole and full amount of any Portion or Fortune which the said Jane Patten or the said Thos. Addis Emmett in her right now or hereafter may be entitled to by virtue of or under the said last Will & Testament of the said Elizabeth Colvill deceased or by virtue of or under said before mentioned Indented Deed of Settlement bearing date the 4th day of January 1770 made upon the intermarriage of the said Margaret Patten with the Revd John Patten deceased, father of the said Jane Patten And it is hereby further declared & agreed by and between all the said Parties to these Presents that the Provision herein before made for the said Jane Patten in case of her surviving the said Thos. Addis Emmett, her intended husband, shall be in lieu barr and full satisfaction of all Dower and thirds which the said Jane Patten might or could be entitled to at Common Law or by Virtue of the Statute of distributions out of the estate or effects, real or personal, which the said Thos. Addis Emmett shall or may be seized possessed of or entitled unto at the time of his decease or at any time during the Coverture of the said Jane, anything therein contained to the contrary in any wise notwithstanding And for the considerations aforesaid and for barring all estates tail and all remainders and reversions expectant and depending of and in the undivided Moiety of the said lands of Crossoil hereby granted and released or mentioned to be hereby granted and released, they the said Robert Emmett the elder and Thos Addis Emmett for themselves respectively and for their respective Heirs Executors and Administrators do & each of them doth Covenant Promise & Grant to & with the said James Patten & Charles Hamilton their Heirs, Executors & Administrators that they the said Robert Emmett and Thos Addis Emmett shall and will before the end of Hilary Term next ensuing the date of these presents at the costs and charges of the said Thos Addis Emmett either by one or more fine or fines or by such Deed or Deeds as counsel learned in the law shall advise, grant release and convey the aforsaid undivided moiety of and in the aforesaid Town and Lands of Crossoil by such apt and convenient names quantities number of Acres and other descriptions to ascertain the same as shall be thought meet unto Mathew Dowling Esqr. one of the Attornies of his Majesty's Courts of Law in this Kingdom and his Heirs and Assigns to the intent and purpose that the said Mathew Dowling may by virtue of the said fine or fines Deed or Deeds be and become perfect Tenant of the Freehold of and in the said undivided moiety of the Town and Lands of Crossoil, to the end that one or more good and perfect common recovery or recoveries may be thereof had and suffered in such manner as is herein after for that purpose mentioned for which purpose it is hereby declared and agreed by and between all the said parties to these Presents that it shall and may be lawful to and for the said James Patten and Charles Hamilton, or the Survivor of them, at the costs and charges of the said Thos. Addis Emmett before the end of Hilary Term now next ensuing to sue for and prosecute out of his Majesty's Court of Chancery one or more Writt or Writts of Entry Sur Disseizin en le post returnable and to be returned before his Majesty's Justices of the Court of Common Pleas, at Dublin, thereby respectively demanding by apt and convenient names quantities qualities number of acres and other descriptions the same undivided moiety of and in the said Town & Lands of Crossoil against the said Mathew Dowling to which said Writt or Writts of Entry the said Mathew Dowling shall appear Gratis, either in his own proper person or by His Attorney, thereto lawfully authorized and vouch over to warrenty the said Thos Addis Emmett who shall also appear in his own proper person or by his Attorney, thereto lawfully authorided and enter into the Warranty and *vouch over to* Warranty the common Vouchee of the same court who shall also appear and upon Imparlance make default so as to Judgment shall and may be thereupon had and given for the said James Patten and Charles

Hamilton or the Survivor of them to recover the said undivided Moiety of and in the said Town and Lands of Crossoil against the said Mathew Dowling. and for him the said Mathew Dowling to recover in value against the said Robert Emmett & for him the said Robert Emmett to recover in value against the said Thomas Addis Emmett & for him the said Thos Addis Emmett to recover in value against the said Common Vouchee and that Execution shall and may be thereupon had and awarded accordingly and all and every other act and thing done and executed needful and requesite for the suffering and perfecting of such common recovery or recoveries with Vouchers as aforesaid And it is hereby further declared and agreed by and between all the said parties to these Presents that immediately from and after the suffering and perfecting of the said recovery or recoveries so as aforesaid or in any other manner or at any other time or times suffered or to be suffered as well these Presents. and the assurance hereby made and any fine or fines to be levied as aforesaid. as also the said recovery or recoveries and also all and every other time and times recovery & recoveries conveyances and assurances in the Law whatsoever had made levied suffered or executed of the said undivided Moiety of and in the said town and lands of Crossoil, or any part thereof by, and between the said parties to these Presents or any of them or whereunto they or any of them are or shall be parties or privies shall be and enure and shall be adjudged deemed construed and taken and so are and were meant and intended to be, and enure and the Recover or Recoveries in the recovery or recoveries named or to be named and his and their Heirs shall stand and be seized of the said undivided Moiety of the said Town and Lands of Crossoil and of every part & parcel thereof to the uses upon the trusts and to and for the intents and purposes and under and subject to the provisoes limitations and agreements hereinbefore mentioned expressed and declared of and concerning the same and none other. And the said Robert Emmett party hereto and Thos Addis Emmett do and each of them doth for him his Heirs Executors and Administrators by these presents covenant promise, grant, and agree to and with the said James Patten and Charles Hamilton their Heirs and Assigns in manner and form following that is to say that for and notwithstanding any act Matter or thing whatsoever by them the said Robert Emmett and Thos Addis Emmett or either of them or by any other person or persons whatsover made done, committed or executed or Wittingly or Willingly suffered to the contrary, they the said Robert Emmett and Thos Addis Emmett are or one of them is at the time of sealing and delivering of these presents lawfully rightfully and absolutely seized of or in and well and sufficiently entitled unto the said Towns Lands and premises hereby granted and conveyed with the appurtenances without any manner of condition Use Trust, power of revocation, Equity of Redemption, Remainder, or limitation whatsoever to alter charge change defeat Incumr or make void the same, And that for and notwithstanding any such Act, Matter, or thing, they the said Robert Emmett and Thos Addis Emmett have or one of them hath good right full power, and lawful and absolute. authority, to grant Settle and Assure all and singular the said premises with the Appurtenances in manner aforesaid according to the true intent and meaning of these presents and that the same shall and may from time to time, and at all times, after the Solemnization of the said intended marriage continue and be to the uses upon the trusts and to and for the intents and purposes aforesaid and be peaceably and quietly held and enjoyed accordingly without the lawful let, suit, trouble, denial, or eviction, whatsoever of or by the said Robert Emmett and Thos Addis Emmett or either of them their or either of their Heirs or of or by any other person or persons whatsoever lawfully claiming or to claim by from or under them or any of them and that free and clear freely and clearly acquitted exonerated and discharged or otherwise by them the said Robert Emmett and Thos Addis Emmett their Heirs Executors Administrators saved defended kept harmless and indemnified of from and against all and all manner of gifts, grants, bargains, sales, Mortgages, Jointures, Dowers, Right, and title of Dower, uses, trusts, wills, entails and off from and against all other Estates titles, troubles, charges, and incumbrances whatsoever already had made done committed suffered or executed or hereafter to be had made done committed suffered or executed by them the said Robert Emmett and Thos A. Emmett or either of them or their heirs or any person or persons lawfully claiming or to claim by from or under, or in Trust for them or any of them other than and except such Leases of the said premises or any part thereof as are now really and bona

fide is being and said charge of £100 thereon to the child of Temple Emmett Esqr. deceased & one further charge of £50, for Mary Ann Emmett, daughter of the said Robert Emmett, and Lastly that they the said Robert Emmett and Thos. Addis Emmett and their heirs and all and every other person or persons claiming or to claim by from or under or intrust for them, or either of them shall and will from time to time and at all times after the said intended Marriage shall be had and Solemnized at the reasonable request of the said James Patten and Charles Hamilton their Heirs or Assigns but at the proper Costs and charges in the Law of the said Thos. Addis Emmett or his Heirs do make acknowledge suffer and execute or cause or procure to be made done acknowledged levied suffered and executed all and every such further and other lawful and reasonable act and acts Deeds conveyances and assurances in the Law whatsoever for the further better more perfect and absolute granting conveying settling and assuring all and singular the said hereby granted and released premises with the appurtenances to the uses upon the trusts & to & for such intents and purposes herein before expressed & contained of & concerning the same according to the true intent & meaning of these presents as by the said Jas Patten & Charles Hamilton their Heirs or Assigns or their coˡ learned in the law shall be reasonably, devised & required so as such further assurances contained in them no further or other Coᵗ. than against the person or persons who shall be required to make or execute the same and so as the partie or parties who shall be required to make such further assurances be not compelled or compellable to go or travel Above the space of five Miles from his or their usual place or places of abode. In Witness whereof the parties aforesaid have hereunto put their hands and seals the day and year first in these Presents Written.

Robᵗ Emmett [seal] Thoˢ Addis Emmett [seal] Jane Patten [seal]

Signed, sealed and delivered James Patten [seal]

in the Presence of us. Margaret Patten [seal] W. Colvill [seal]

Thos. Dowling, John Laves, Wᵐ Fleming. Charles Hamilton [seal]

Is the subservience of Ireland to England less certain than was the danger of Catholic intolerance in times of old? Or, does their blood excuse them? Their settlement reckons its age by centuries—by intermarriage—by the possession of land—by uninterrupted residence—by sharing Ireland's fortunes and sorrows they are Irishmen and not English. Were the Irish leaders deferred from feeling and acting as mere Irishmen because their ancestors had appeared here as aliens and spoilers? Or, rather, did they not labour the more passionately to compensate for their ancestral wrongs?

Thomas Davis, The Nation, Nov. 13, 1847.

England, too—that England from whom it would be the first thought of Irish patriots to take away any pretext for interference in our affairs—England is so near, that no Catholic, who was not a mad man as well as a bigot, would dare to offer injustice to the Irish Protestants.

Thomas Davis
The Nation, Nov. 13, 1847.

Note VII

[See Vol. 1.—Page 237.]

LETTERS FROM THE MOUNTAINS

WRITTEN FOR "THE PRESS" NEWSPAPER, DUBLIN, 1797-1798.

BY

MONTANUS

[Thomas Addis Emmet]

When the inhabitants of a country quit the country en masse because its government will not make it a place fit for them to live in, that government is judged and condemned.

John Stuart Mill,
Political Economy.

If these things be so—if the Irish Protestant has, as a Protestant, nothing to fear—nothing to sacrifice—how strange as well as sad, it is to find English supremacy (for union with England means, and must mean, English supremacy) preferred to Irish independence.

Thomas Davis
The Nation, Nov. 13, 1847.

Burn everything that comes from England except her coals.

Dean Swift.

LETTERS FROM THE MOUNTAINS.

ISSUED BY "THE PRESS", DUBLIN, OCT. 7, 1797—NO. 3

LETTER II

If the heart of Mr. *Pitt* is as hard, his nature as malignant, and his talents as mischievous as some party-writes suppose, such a system, as I have described in my former letter, was well adapted to his disposition, and congenial to his talents, and may have imbibed new virulence in its passage through the medium of his acrimonious mind. We will consider the chief governors with which he has favoured Ireland, in such a cursory manner, as if we were to look at pictures in a gallery.

The name of *Grenville* is ominous to the *British* empire; it imports the oppression, calamity and alienation of its dependencies. Had the noble cousin of the premier been as firm and resolute, in the direction of the storm, as he had been skilful and sedulous, in the raising of the whirlwind, this country had borne testimony (like *America*) to the separating talents and manumitting hands of a *Grenville*.

The country seemed to thrive under pressure, like the palm. It had manifested some predilection for freedom; and in the glorious æra of the *Volunteers* obtained, from the fears of the sister *country*, or, perhaps, from her justice, some relaxation of ancient rigours. The gentry had, on that occasion, ranged themselves by the side of the populace; all this was imputed to *Ireland*, not as righteousness, but as unpardonable guilt. The common modes of injuring the country seemed to be insufficient; new sources of corruption were to be opened; new modes of estranging the aristocracy from the people were to be devised. It appeared to be an effectual expedient, for this end, to increase dissipation, extravagance, and consequent embarrassment, among the higher orders of the community. A young nobleman was selected for the station of chief governor, dissolute in his manner of life, and profuse in his habits of expence. Puerile levity and thoughtless intemperance, ranging thro' every form of sensual indulgence, were joined, in him; with the gloss of youth, a benignity of temper, and a gracious suavity of manners, that co-operated with his exalted rank and situation, to render vice contagious and folly fashionable. Thus was the aristocracy of Ireland corrupted and enslaved, and senseless revelry and ruinous expence, the sure pledges of political prostitution, were universally disseminated. This nobleman's disposition was, I believe, naturally good and upright, but his temper, his character, and pleasurable pursuits fitted him, to become the prey of a violent and grasping faction, who pressed continually on his soft and pliant nature, and persuaded an inconsiderate and believing man, that they alone possessed the golden secret of government, while they flattered his indolence and love of pleasure, by promising to relieve him from all the cares of administration, and to resign him to the unmolested enjoyment of his favorite amusements. Now commenced the motley government of clerks and aids-de-camps, and the aggrandizement of an individual, a family, and a faction, the most hateful and hated this country ever produced. But let us tread lightly on the ashes of the deceased. This nobleman had many virtues; his disposition was generous; his good qualities were all his own, his faults were mostly those of his advisers—yet he was the unconscious instrument of incurable mischief to this land.

Behold a different character. Plodding, without a head for business; vicious, without a taste for pleasure; fond of company, without good manners or good nature; joyless,

yet dissipated; dull, yet eccentric. He sought to promote, at the same instant, two discordant objects—the encrease of public profligacy, by the extension of private luxury, and the enlargement of a slender fortune, by penurious accumulation. He united the pride and vanity of the insolent, uneducated nobleman, with the meanness and vulgarity of the illiterate, low born peasant, or the *scrivener's* clerk. He was a man, take him for all in all, most eminently gifted by nature, and accomplished by art, to excite contempt and hatred.

The conduct of the person I have now described, was such as one might naturally have expected. He reposed his entire confidence in a man ill-informed, violent, rash, rancorous, and vindictive. His measures were characterized by strange inconsistency—an odious mixture of tyranny and weakness—irritation unprovoked, and concession without conciliation. At one moment the whole aristocracy of the country, with the first law authority of the land at their head, were brought forward, to pledge their lives, and fortunes in support of the *Protestant ascendancy.* A few weeks rolled away; and behold this golden image of adoration, this *Protestant ascendancy,* laid prostrate at the feet of the multitude. Now religious feuds fomented by high authority, in the Northern parts of this island, at least, no solicitude was shewn by those who had the power of repressing outrage at the commencement; to employ the means which they held in their hands, for the preservation of public order. Now the spirit of vigorous coercion began to develope itself—a large stride was made to the perpetuation of grievances and abuses, and the denial of even the poor consolation of complaint, by the Convention bill, which, however it may be justified on the plea of necessity, inflicts a severe wound on the precious rights of assembling and petitioning the Throne or the Parliament. Had this man been permitted to remain longer in *Ireland,* the die had been already cast—the disorders of the country had reached their crisis. He was called away—and the evening lustre of faded beauty attended his departure; yet, though recalled, he experienced such a reception from a benign and gracious master, as plainly shewed that his conduct in this country was not unpleasing to the British Cabinet, or the British, since it did not preclude him from the sunshine of his royal master's approbation and countenance. He consoled himself with the golden harvest, from a sale of reversions and a lucrative sinecure.

The nobleman who was now nominated chief governor, was ardently expected in this country, as the messenger of peace and good will among men. He was not a ruined gamester, or a beggarly incumbrance of the Peerage. He did not solicit the Vice-regal situation to repair a ruined fortune, or to accumulate a new one; or the maintenance of a barren title, by the plunder of a wasted province. The dignity was forced upon him; he accepted it with a proud condescension; he relinquished his home, and his domestic habits, with regret. From him rational and good men expected the most salutary and healing measures. They saw, that he possessed such a large stake in the country he came to govern, as must powerfully lead him to seek and promote its true interests—because in the prosperity of this nation, his own is closely implicated. This nobleman pondered his way before him; he hesitated to accept the charge, like a man, who conscientiously felt its weight and importance, and meant to perform his duty faithfully. He had the leaders of the *Irish* opposition present in *London;* with them he consulted; he stipulated for specific measures, and plenary powers. Doubts, delays, negociations, and explanations succeeded; at length the firmness of Lord F. seemed to prevail. He supposed himself, and this country, too, supposed him, to be invested with authority, unusual, ample, and adequate to the pacification of *Ireland.* He came over full of benevolent and patriotic aims. The proposed system of this nobleman was to have branched out into two great lines of conduct—the reform of inveterate abuses, and the removal of illiberal and unconstitutional restraints; but

Ostendent terris hunc tantum fata, neque ultra esse sinent,

How soon, how fatally were the golden hopes of the nation blasted! The redress

and reform projected by this nobleman, and those who acted with him in this country, required, and, indeed, of necessity, brought with them, the removal from power of a base and obscure faction, obnoxious to all good men; a faction, which without personal dignity, or the weight of wealth or talents, had grown old and rich in power, by the basest arts, and the most corrupt insinuation; had lorded it over the land, without controul, and spread its crooked and entangled roots, in the dark, even to the basement of the British Throne. The dismissal of the persons who composed this faction, was not only requisite to the safety and permanency of Lord F.'s administration, but was a sacrifice due to the outraged feelings of an opprest and insulted people. Now was felt the force of the maxims of hosility, and the ideas of a separate English interest, which I mentioned in the commencement of these letters. The menaced faction had address to represent themselves as the most staunch friends of the English interest in this country. Lord F. was removed, and the regret and gratitude of the people followed his good intentions.

It was plainly seen on what principle Lord F. was recalled. It was no other than the perpetuation of the men and the measures which had rendered the people of this country dissatisfied. It was seen, that the blasted faction, which had so long outraged the people, which had degraded the aristocracy, and made the honors of the Crown cheap and disgraceful in *Ireland*, by an open sale of peerages; and had boldly avowed in the seat of Legislature, and in the face of the world, that venality and corruption were, and ought to be, the ruling principles and active engines of administration. It was seen, that this wretched and ruinous cabal had found protectors in that closet, which is the retreat of majesty, and the known asylum of every princely virtue. A melancholy foreboding told us, that the successor of Lord F. would come to frown the warm aspirations of the people into silence—and *like the tyrannous breathing of the North, shut all their buds from blowing.*

It is to be lamented, that, during the short appearance of Lord F. above our horizon, the splendour of his good intentions dazzled the public eye. The gratitude of a generous nation, full of sanguine expectations, and enthusiastic sentiments of loyalty to their Sovereign, was anticipated. A virtuous frenzy prevailed among us; and in the wild paroxysm of acknowledgment, for benefits *promised* to be conferred, the supplies were profusely granted; vast preparations were made for home defence, and no inconsiderable assistance of men and money furnished to aid *Britain* in her wild crusade against the liberties of *France*. I will not say that the watchmen of the public weal were intoxicated at their posts, by the very fumes of the draught of power, before the chalice touched their lips. But certainly it would have been wise in the opposition members, who then managed for Lord F. in the House of Commons, had they been less confident and precipitate; it would have been happy for the country had they paused and waited; so that redress and supply might have advanced hand in hand. Some doubt, some hesitation, some caution, was suggested by one or two members; but how were they treated? The fact was, that certain distinguished members of opposition, one in particular, whose eloquent exertions in her cause, well deserved the liberal gratitude of an admiring country, did for a moment lose sight of their own principles, the principles by which they had grown in the esteem of the people—they were seized with all the spirit of *alarm* that infected *England*, and worked up themselves to feel the lymphatic terrors of a *Burke*, and to profess an unlimited approbation of the present wicked and disastrous war.

It was plainly seen that the devoted character who should succeed to Lord *Fitzwilliam*, at this eventful and opprobrious period, would come over manacled with instructions, and bound to move in trammels; that he would be taught his lesson like a school boy, and commanded to do all that which his predecessor would have left undone; and to leave undone all that which his predecessor would have done—in fine, that the new Chief Governor must sell and commit himself, body and soul, by importunity, to the foul fiend of that faction which had rode the harassed land, like an Incubus, to the verge of a precipice. Yet a Nobleman was found who willingly devoted himself, and with a

hardihood equal to that of *Curtius,* plunged into a gulf of peril. A private tutor, or *Mayor de Palais,* was assigned to this *Viceroy, Fainéant,* as the Governor of our Chief Governor, a man of some character for a resolute temper and political dexterity. How did the new administration prepare to meet a disappointed and irritated nation?—Not with lenient measures of conciliation, but wth unmerited chastisement, and the menacing brow of stern defiance. Pains were at first taken by the Rt. Hon. Secretary to disseminate an opinion, that the old task-masters of *Ireland* were allowed no influence in the councils of the new cabinet; but the close and intimate connexion which subsisted with that party, did not at any time allow the most credulous to give implicit credit to this assertion, and it soon became impossible to retain the mask.

I have premised this rapid sketch of some past Administrations, that you might the more easily comprehend the scope and maxims of the present system. With one solitary exception you perceive that an adherence to the *English* interest, as it is universally called, is the ruling principle in them all. It is under a pretence of maintaining this interest, that a set of men equally deficient in talent, and in honesty, block up the avenue to the Castle, retain those who are entrusted with the helm of this country in a state of siege; keep honest and moderate men at a distance; stigmatize the warning voice of truth and sincerity as the guilty murmur of dicontent and faction, and proscribe many of the most zealous friends and supporters of monarchy, who have been marked out as disaffected persons, because they will not express a blind and implicit confidence in the virtue and abilities of the present Ministry.

I am yours

MONTANUS.

Not many months ago [1908] one might have seen in the counties of Mayo and Galway a whole population of men and women who were in no wise either vicious or degraded, literally dying of hunger owing to the almost complete failure of the potato-crop, and this in the twentieth century, in the midst of the United Kingdom, within fifteen hours of London.

Dubois, L'Irlande Cotemporaire, Tr. Kettle.

Loyalty without liberty means corruption.
Grattan.

LETTERS FROM THE MOUNTAINS

ISSUED IN "THE PRESS", DUBLIN, OCTOBER 10, 1797—No. 6

LETTER III

MY DEAR FRIEND,

The situation of Ireland since Mr. Pitt came to the head of affairs has been daily growing more critical, and ought naturally to have excited the fears and attention of a minister of common sagacity. He might have marked in the horizon the small cloud like a man's hand the harbinger of the gathering deluge; yet he entrusted the chief government of this most important, this precious country, for such it is to Britain, at a most important juncture, to pageants, to puppets, to unreal mockeries. How shall we account for this phenomenon? Why should a minister of distinguished talents seek out, like Dogberry in a play, the most desertless man for office? Is it that he is determined in all his measures to trust to the operation of blind chance, without the employment of rational human means? Is it that he conceives it to be the interest of Britain to ruin Ireland, and employs such persons as he thinks most fit to accomplish this object? Is it that he thinks fools will be most obsequious to the orders of the interior British cabinet? Or is it that he supposes the headlong temerity of folly and inexperience may not see the danger of critical situations, and may be found more ready to engage in desperate experiments?

I have often asked myself, why was the present Chief Governor of Ireland selected for the station? I cannot divine the cause. I cannot find that he possesses any of the talents of the venerable magistrate, his father,—I cannot find that he possesses any art of conciliation, or of government, except we should suppose that a strong head is a perfection in the Viceroy of a Province much addicted to the pleasures of the table. A political *Mentor* has been assigned to this *juvenile* statesman, younger in government and in wisdom than in years. But what can he boast? Much political craft and sanguinary rashness; which latter, by the courtesy of Ireland, is to be called *firmness*. The great policy of the present administration has been directed to two objects—resistance to the claims of the Catholics, and the depression of the friends of Parliamentary Reform. With these views the old principle of division was adopted; the dissentions which had for some time subsisted between the Protestants and the Catholics in the North, not without secret encouragement from certain magistrates, and been fomented, if not by the positive encouragement, yet by the connivance, or the criminal supineness of others, had attained such a pitch of inveteracy, that the two parties openly resorted to arms, and seemed bent on mutual extermination. I will not positively say that Government viewed with secret complacency the mortal and rabid animosity that urged the bigots of contending sects to an open warfare with each other. I will not positively attribute to Government a criminal desire of rendering the spirit of rancour and mutual persecution general, as a means of weakening the people, or of turning them from the pursuit of constitutional objects. Yet certainly these disorders raged without controul during a long period. The military, when they were called out, seemed uniformly to embroil matters still more by their interference. I believe, on every occasion, they ranged themselves with the Orange Men, and this scene of

disorder was viewed by those who had the full power of repressing it with a degree of apathy that to me appears, on other principles, inexplicable. The outrages of the populace in other parts of Ireland, were, in like manner, suffered to proceed to great lengths before any measures were taken by Government to check them. A small number of soldiers, judiciously disposed through the country, and under the direction of active and prudent magistrates, would soon have restored good order; but the persons and habitations of the gentry, in those countries where disturbances prevailed, were left for many months without any protection, except such as the exertions of themselves, their servants and dependents afforded. In fact, it seemed as if Government viewed these illegal proceedings with a secret joy and triumph; and in a refinement of profound, but criminal policy, wished to nurture and forward the spirit of outrage, that it might be organized and grow into such a form of regular insurrection as would furnish the pretext for laying aside all forms of the constitution, and for introducing a system of violent coercive measures, and a rigorous Government, that should comprehend and compress the innocent with the guilty, silence the public voice, overawe the advocates for freedom, fill the land with terror and suspicion, and compleatly extinguish all movements of the people towards the attainment of their two favourite objects. Perhaps it was hoped and expected that the men of property, and the friends of peace and good order in the country, disgusted by the tendency to riot in the lower class of people, not only might throw their weight into the scale of Government, but actually become advocates for an *union* of this country with England, which has been a favourite scheme of the British cabinet since the time that Ireland in arms extorted certain concessions from the necessities and the apprehensions of Britain. Thus much is undeniable, that we heard some of those who are the most intimately connected with the present Government, and the best acquainted with the secrets of the cabinet, express the monstrous wish, that a whole province the most considerable in the country in point of population, industry, prosperity, information and morals, could *be driven to actual rebellion, or were in open rebellion,* for I do not wish to misstate or aggravate expressions in themselves sufficiently abominable. At the same time, all proposals for an enquiry into the state of the poor, and the grounds of their complaints and discontents were represented as a factious attempt to inflame by connivance and public approbation the disorders of those who fought for redress through the medium of tumult. The people might have grievances, but this was not the time—the concessions of justice might be imputed to intimidation. The arm of Government was at last stretched forth, and the system of rigour began to be developed in all its horrors.

A noble Lord high in military situation seems to have been the first inventor of a measure, which was afterwards sanctioned and imitated by the Legislature,—I mean that of dispensing with the usual formalities of law, and transporting suspected persons from their country, under the idea of manning the fleet. This conduct was reprobated in the strongest manner by a learned Judge, who succeeded the noble Lord in a circuit through the country; but the Legislature interposed to protect the stretch of power, or, as the disaffected might call it, this violation of law and constitution, by a bill of indemnity. What bill of indemnity should protect him from the justice of Britain, whose arbitrary act first furnished the precedent for filling the navy with discontent, for shaking the safety of the British Empire to its centre, and rendering, perhaps, what used to be its protection, its sorest scourge at some future day.

Peace to the manes of the trial by jury. Now came the Insurrection Bill. You are well acquainted with the provisions of this most formidable act, which, with the curfew, introduced such a system of jealous rigour, as scarcely ever was devised before, under the most arbitrary and tyrannical governments. The act, it may be said, was dictated by the necessity of the times—be it so; the sudden leap from

gross supineness to a degree of severity, which equals anything that the reign of terror of Robespierre exhibited, confounds and electrifies the people.

The magistrates of this country are not universally competent to a situation, that, in disturbed times, requires prudence and good temper, joined with activity, and a knowledge of the laws. Many ecclesiastics have unwisely obtruded themselves, or been thrust by others into commissions of the peace; and they have not been distinguished, I fear, by that spirit of liberality and mercy, which characterizes the Christian religion. What tremendous powers were conferred on those men!—Any magistrate may send for strangers, and propound to them the alternative of giving sureties for their good behaviour, or going to gaol. On representation of the magistrates, in a special session, that a district, or county, is in a disturbed state, or in *danger* of becoming so, it is to be proclaimed—the inhabitants then are warned, in a petty session, to keep within their dwellings, between Sun and Sun, on pain of being sent on board the fleet. The magistrates may break open houses, between Sun and Sun, to find whether the inhabitants are at home—and may send those who are absent on board the fleet, when found, unless they can prove, to the *satisfaction* of the magistrate, that they were absent on their lawful business. Persons taking unlawful oaths are to be sent on board the fleet. This power of joint transportation and imprisonment, is at the arbitrary will of a single magistrate! It is true the act says, that persons coming within these clauses, may, if they give bail, appeal from the single magistrate, to the magistrates of Session, one of whom must be of the quorum; but there is no penalty on the magistrate refusing bail. Persons assembling tumultuously in the day time, opposing magistrates by night, in their domiciliary searches, for inhabitants, arms, or lodgers; persons vending seditious papers, or papers unstamped that ought to be stamped, are to be sent on board the fleet; and any woman selling papers of the foregoing descriptions, is to be committed to prison, there to remain till she discovers the persons from whom she received them! The magistrates did not suffer this act to remain a dead letter. District, after district, county, after county, has been proclaimed. We begin to apprehend, that the precincts of the Viceregal residence will be the only part of the kingdom not in a state of disturbance, or *likely*, to become so. Arrest has succeeded to arrest—the kingdom is struck with terror—the dungeons are crowded. What more can be followed? The suspension of the Habeas Corpus act followed—proclamations supercede the authority of law, and the civil administration of the country is handed over to the military. I do not speak of the decay of trade; of the failure of public credit; of the general distress; these are the necessary consequences of the war—I speak of measures and of misfortunes which might have been avoided.

Times of party heat and public commotion are said, to require, and authorise a suspension of the *Habeas Corpus* act, and a suppression of the trial by jury. I may be paradoxical, perhaps; but, in my mind, such times do particularly require that those safe guards should be retained and preserved with reverent care to protect individuals from being opprest and crushed by the strong hand of power, and of party. Times of faction and disturbance are full of groundless suspicion and jealous rage, slight rumours are received as important information and the most idle whisper is heard with avidity. Every man has enemies; at such moments, they come forward; they teem, like noxious reptiles in a hot pestilential season. Calumny takes the form of serious accusation, and arms herself with all the terrors of the law, the malice of the private foe puts on the vizard of the public avenger, even babbling impertinence and prying curiosity wear the terrific features of inquisitorial authority. No innocency of life—no integrity of intention—no circumspection in words or conduct can insure to any man an untroubled condition, or even safety at such times; in my apprehension, it would be right instead of diminishing the constitutional regulations for the protection of the citizen, to add to them new means

of security from wanton oppression. Is it consistent with the safety of the individual, that, in times when men's passions are inflamed, and party rage prevails, a single person, perhaps, a person ignorant, weak, prejudiced and incapable, should have a power of tearing men from their houses, and their families, that were supported by their industry; without allowing them any opportunity of defending themselves or confronting them with their accusers, and sending them on board tenders; while the provision for the protection of the innocent by an appeal, is eluded, through the impunity in refusing bail, which, the act affords to the magistrate? We may judge how unfit some of the justices are to be invested with these formidable powers, from what has been done by some of them! From men invested with sacred functions, one would look for information and humanity; not only the single dwellings of suspected persons have been burned, but whole villages have been devoted to the flames.

What is the present state of the country? A system of jealousy and espionage is adopted; an auction of secret intelligence is instituted; large premiums are offered for the encouragement of perjury, by subscriptions for informers; whole legions of spies are enlisted in the Service of Government, who are most liberally paid with the money of the public; but my paper is exhausted.

Yours,
MONTANUS.

The English deliberately determined to keep Ireland poor and miserable as the readiest means to prevent its being troublesome.

J. A. Froude.

As an equal we shall be her sincerest friend, as anything less than her equal we shall be her bitterest enemy.

Grattan.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, OCTOBER 14, 1797—NO. 8

LETTER IV

MY DEAR FRIEND:

Necessity is called the tyrants' plea—it must be worse than tyranny, that cannot plead even necessity. Can the present managers of our theatre of calamity plead necessity as a justification of the horrors into which they have plunged us?—No; three measures—concession to the Catholics—even the shadow of a Parliamentary Reform—some amelioration in the condition of the peasantry. These would have fully pacified the country, without impairing the just prerogatives of the Crown, or destroying that vigour of government, of which some among us are such admirers. The Irish people were not prone to insurrection. The peasantry, in general, are an indolent, much-enduring race, submissive to their superiors, even to an excess of servility. The extremity of oppression and misery alone could destroy the implicit veneration and terror, with which they had been taught to view rank and property—and to rouse them to violation of law, and to outrage on their task-masters, who, when they asked for bread, gave them a stone. We shall be apt to think that the complaints of the people have some good foundation, when we consider the parts of the Kingdom which have been pointed out, and punished, as the chief seats of sedition, the fountain head of disaffection. Are they not the most sober, industrious, and enlightened parts of the island? What are the descriptions of people who have been marked out for proscription and persecution? Not a *Catiline,* nor a *Cethegus*—not the libertine populace of luxurious capitals; but the humble peasant, the plain farmer, the frugal manufacturer, the sober rational merchant, and the pious teacher of the Christian faith? These are not the materials, let me tell the world, of which wanton rebellion is composed—they are great and crying grievances alone, that can call from their retirements the sons of sobriety, industry and peace, and lead them to join the bands of disaffection. From these premises, I conclude that the occasions of severity, the pretences for superceding the laws were courted by our present rulers.

Terror and coercion being introduced, as the principles of government, every part of society is filled with danger and suspicion—the circulation of thought is destroyed; the intercourse of life is poisoned; all expression of the public wish, the surest guarantee against secret conspiracy, is unwisely prohibited. In one county, the gentry and freeholders, legally convened by the Sheriff to exercise the constitutional right of petitioning their Sovereign, were actually dispersed by an armed force. Meetings for a similar purpose were prevented in other counties, and in the second city of this country, by menaces of military execution. Government has adopted an arbitrary imprisonment of the most peaceable and respectable individuals, for indefinite times, and without knowledge of their accuser, intimation of their offence, or hope of trial. If there can be any plausible reasons alledged, for dispensing with some of the formalities of law, in the arrestment of persons who are supposed to be disaffected,—none can, surely, be offered for any wanton delay in the examination, according to course of law, of their guilt or innocence. It is to be feared that such a conduct may terminate in the rendering of many persons disaffected, who were loyal previous to their commitment. An imprisonment for nine

or ten months, on a charge unspecified and unfounded, through the suggestion of a perjured and villainous accuser, fished up from the very sink of the community, with all his impurities reeking on his head, will not improve the loyalty and good temper of the sufferer. Can we wonder if men of warm tempers and strong resentment, who in themselves or their near connexions, are marked out as the objects of severe persecution, should be guilty of some rash and unguarded expressions? Is it not to be feared that a continuance of vigour may suppress the outward form and expression of discontent, by the present influence of terror, but will leave a deep rooted disaffection secretly rankling in the mind?

We were led to hope that the system of espionage and proscription would have been relaxed and mitigated, on a view of the dreadful and detested harvest of perjury it has produced. It has been proved, not in one, or two, or a small number of instances; but with a strange uniformity through every part of the country, at the last and the preceding assizes, that an infamous traffic in blood prevailed. How many innocent and respectable persons, who had been torn from their homes, their honest industry, and their dearest connexions, and languished in dungeons for many months, have been acquitted on the clearest and most satisfactory evidence——and resigned their places in the dock to the very witnesses against them, who have been convicted of wilful and corrupt perjury——perjury of the blackest die——to destroy the lives and characters of guiltless men, for hire! What disgraceful scenes have been disclosed! What foul conspiracy! What intemperate thirst of blood! What evidence extorted by the extremity of torture! Ought not the sight of all this to have produced some consideration and compunction? Ought it not to have produced some cessation of that rigour above law, displaying itself in preventive persecution and cautionary cruelty? Should not the bearers of the iron rod have enquired whether the freight of information and informers, which they had bought or manufactured, with no small pains to themselves, and cost to the public, was not a base and unprofitable kind of merchandize? Ought they not to have supposed it not only possible but highly probable, that those respectable and virtuous persons who have been singled out as martyrs in the cause of freedom, and pined weary months in severe captivity, may have been torn from their homes and families, from the enjoyment of domestic comfort and the pursuit of useful and laudable occupations, on the venal deposition of a forsworn informer, or the vague suggestion of weak credulity? The recorded examples of artificial alarm and cruel folly which were exhibited in England when a whole nation was the dupe; and so many innocent people were the victims of the infamous Oates and his vile accomplices;—shall these be forgotten as if they were erased from the page of history? Who that recollects how many perished by their monstrous fictions, equally gross, improbable and circumstantial, could suppose it possible that such tragedies could be repeated in a humane, enlightened age? Yet, houses have been forced open in the dead hour of the night, their owners have been hurried away with circumstances of uncommon outrage; they have not been allowed even the poor consolation of bidding farewell to their weeping families; they have been kept in filthy guardrooms, amidst the noise and ribaldry of common soldiers. Some of the objects of these severities, after many days of suffering, have been wholly discharged, or suffered to depart on their parole—others have been detained whole months, and then relucantly liberated, though their innocence was apparent. As the imprisonments were without mercy, so the releases were without clemency; and new arrests so closely followed them, that one might suppose the former captives had been discharged only through want of house-room in the *Bastile* of the country.

I cannot pass unnoticed a singular kind of recognizance, which was lately introduced, in some instances by which persons were obliged, as the condition of obtaining freedom, to bind themselves in a penal form to quit a certain district or county. The only instance which I can find parallel, or in any degree similar to this curious device is what was practiced in Scotland by the wicked and tyrannical *Lauderdale*—To engage the gentry on the side of the persecutors, a *bond* or *contract* was, by order of the *Privy Council*,

tendered to the land-holders of the West, by which they were to engage for the good behaviour of their tenants. But it was ridiculous (as *Hume* justly remarks), to give sanction to laws by voluntary obligations.

The reign of Charles II, inglorious abroad, and oppressive at home, bears a striking analogy in many particulars, to the present times. Much of the history of what passed in Scotland at the period in particular, would appear with the mere variation of names, to be a faithful picture of what is now passing in Ireland. The Scottish *Covenanters* resembled the *United Irishmen* of the present day, in their union, and their perserverance; and they were, like them, decried, villified, and persecuted. Take (for instance) this extract: As it was found difficult to get evidence against these conventicles, however numerous; it was enacted, that whoever, being required by the council, refused to give evidence on oath, should be punished by arbitrary fines, by imprisonment, or by banishment to the plantations. Thus all persecution naturally, or rather necessarily adorns the iniquities as well as the vigours of the inquisition. What a considerable part of the society consider as their duty and their honour, and the others are apt to regard with compassion and indulgence, can by no other expedient be subjected to such severe penalties, as the natural sentiments of mankind appropriate only to the greatest crimes. Here the inquisitorial power of sending for persons, and compelling them to give information under pain of arbitrary imprisonment, is bestowed in a much more dangerous latitude, on the single magistrate.

To what real cause or motive are we to ascribe the present system of severity? To the overbearing insolence of conscious strength, exulting over the feelings of the people, and despising their resentment, or to the influence of secret terror? Certain it is, that no passion is more cruel and sanguinary, than panic fear: be that as it may, the history of what past in Scotland furnishes an example of military coercion, perfectly similar to that which prevails in Ireland at this day. "Military force [says Hume] was let loose by the council. Wherever the people had generally forsaken the churches, the guards were quartered throughout the country. Sir James Turner commanded them, a man whose natural ferocity of temper, was often inflamed by the use of strong liquors. He went about and received from the clergy, lists of those who absented themselves from church, or were supposed to frequent conventicles. Without proof or legal conviction, he demanded a fine from them, and quartered soldiers on the supposed delinquents, till he received payment". Now, indeed, instead of the supposed delinquent paying a fine, he is committed to prison, or sent on board a tender. What do I say? This is mercy—his house is burned, and he is shot. Again—"A multitude not accustomed to discipline, averse to the restraint of laws, trained up in rapine and violence, were let loose amidst a people, whom they were taught to regard as enemies to their prince and to their religion. Nothing escaped their ravenous hands. By hardships and sometimes by *tortures*, men were obliged to discover their concealed wealth. Neither age, nor sex, nor innocence, afforded protection". What was the end of all this in Scotland? The long suffering and firmness of the people prevailed. Just *so* it is in Ireland, the soldiery are let loose on the people. What will be the event?—it is said that the *United Irishmen* though they pretend only to a Reform in Parliament, are the secret friends of anarchy, and wish to make this country the seat of war. What is the remedy? I will not compare the military with the *United Irishmen*—I will not say, that they outrage the persons of his majesty's liege subjects; that they plunder and destroy their dwellings. Far be it from me to say, that some of the Yeomanry assume with the garb and functions of the common soldier, a spirit of unprincipled ferocity, and breathe outrage that would disgrace a Crete or a Tartar. Yet certainly though we may give government all possible credit for good intentions, the country is in a state of uncommon misery. Every hour brings forward some tale of rapine, murder and every hostile aggression; sometimes perhaps against the disaffected, too often against the peaceable and unoffending.

The military having now superceded the civil authority, and being invested with the whole preservation of internal order and care of the police, in most parts of Ireland,

they have thought fit to show themselves worthy of the important charge, by loyal addresses from the *non-commissioned officers* and *privates* of the different regiments. I will not intimate that government may possibly be deceived by those solicited, or even extorted addresses, that fill the public prints, at the expense of the public, and are, no doubt, accounted for among the army extraordinaries. I will not even hint that the addresses in question may, in many instances, have been obtained by a certain mixture of menace and blandishment—I will suppose them the spontaneous, untutored declaration of the men themselves. Yet still I am of opinion, that to the obtaining of this loyalty on paper, much of the solid discipline of the army has been sacrificed. I hold it unwise to accustom large bodies of illiterate mercenaries, to debate on political affairs in arms. Britain rich, ambitious and luxurious, grasping at conquests beyond her means and population, and at the same time seeking to overawe the discontents of the people, by a military force at home, is obliged to maintain a numerous host of mercenaries. The history of mankind tells us, that every government, every country, that wholly depends on a mercenary force, falls the victim of that which was hired to support it. The navy of England has given an alarming intimation of the dangers of her situation, and I will venture to predict that the storms in that quarter are not wholly overblown.

It is not by outrageous penalties, and sanguinary law of a new constitutional form, that these perils may be averted. It is by securing the affections of the people, by attention to their wants and complaints, by obtaining peace abroad, and rendering a numerous military force unnecessary, that these perils are to be averted. Believe me if the military are set above law—are invested with the whole civil authority, and police of the law—if they are at the same time, freed from the restraints of discipline and turned at large to scourge the people, they need no corrupters—they corrupt themselves—they are already corrupted; they will soon turn the power and license, which were given them for the oppression of the people, against their employers, and tyrannise over those, who hoped by their means to tyrannise over the multitude.

The mention of military force naturally, leads me to the *Yeomanry* of Ireland, which I still wish to consider as distinguished from mere mercenaries. This institution was a favourite of the Viceroy, and the right Hon. Secretary. Part of the Irish Cabinet, if I am truly informed, apprehended it to be a dangerous experiment, and opposed it in its first concoction; but superior authority prevailed, and it went forward. What advantages (you will ask me) did the patrons of this measure in their own private thoughts, propose to themselves? Their secret aim, as I apprehend, was two fold. In the first place, they meant to establish a smothered war, originating in a system of coercion, between the opulent and the poor of this country. In the next place, they wished to lay down a line of demarcation, on plausible grounds, to introduce badges and ensigns of party, to raise a standard round which the adherents of the present Administration might rally—nay more, to attach a degree of disgrace on all those who should refuse to crowd around this standard, by exhibiting them as persons disaffected or cowardly, who were wanting to the defence of their country. There was much cunning and ability in the plan, and in some measure it has succeeded, and contributed, more than any other cause, to strengthen the hands of government, and to embolden it for the terrible aggressions against the people, and the grievous, intolerably grievous system of coercion which has been adopted. I shall pursue this subject in a future letter—meanwhile believe me, your sincere friend,

MONTANUS.

Every tax must finally be paid from some one or other of these three different sorts of revenue [rent, profit, or wages], or from all of them indifferently.

Adam Smith.

No, I do not despair of my country. I see her in lethargy, but not in the throes of death. She is not dead but only sleeping.

Grattan.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, NOVEMBER 2, 1797—NO. 16

LETTER V

MY DEAR FRIEND,

I dwell at some length on the present administration, because like the fifth act of a drama (a tragic drama) it brings with it, the denouement or unravelling of the plot, which had been prepared and ripened by preceding governments. The action may be said to commence with the proconsulate of the Marquis of Buckingham, it was carried on under the Duke of Rutland and Lord Westmorland, whose continuance in Office may be called the second and third acts in the piece; the fourth act shews us Lord Fitzwilliam invested with power, changing the maxims of government, exciting the hopes of all good men, and producing one of those transient changes of fortune in which tragedy delights, and which expand a short-lived gleam of sunshine, only to render by contrast the gloomy catastrophe the more deplorable and surprising.

When the establishment of a *Yeomanry* (as it has been called, by a gross abuse of terms) was first brought forward, as a touch-stone of the court propensities, or as it was emphatically called, of the *loyalty* of the people, for no small pains have been taken, to confound loyalty with a blind devotion to the present administration; the patriotism and the penetration of the Irish nation perceived the treacherous purpose, and recoiled from the snare; it remained for a profession, which requires and indeed produces or cultivates professional effrontery in its individuals; it remained for a society considerable in this country, and which ought to be independent from its wealth, to come forward on this occasion when meaner descriptions of men prudently or honestly held back, yet their's was only a seeming interference to furnish an example, which afterwards became very prevalent. I use the word *seeming*, for the measure originated in the absence of a great part of the learned body to which I allude. A few gentlemen of whose secret motives I have no right to judge, whose characters, as individuals, may be highly respectable, but whose rank among their brethren, with regard to talents and ability, or whose situation in life, did not entitle them to dictate or propound an example to the rest of the community, took upon themselves to answer for the rest of the body, and officially sent an embassy to the Castle. The gentlemen Projectors found themselves, for some time, in an awkward predicament, till by their own uncommon activity in the recruiting service, and the strenuous interference of government, applying Hope to one, Fear to another, actual Emolument to a third, according to the temper and the circumstances of the patient, the generality of the profession were either driven or lead into the armed ranks.

The first avowed motive of association was commendable, the maintenance of good order, and the preservation of private property, while the more effective and regular troops are engaged, in opposing the progress of an invader. Had the *Yeomanry*, without warlike pomp, associated fairly for this avowed purpose, and this alone; had they been permitted to embody themselves without the formality of commissioning their officers; it had been well for the country; but this would not have promoted the secret aims of the Cabinet. A military institution, on the

principle of the true volunteers of *Ireland* would have checked, instead of forwarding the schemes of a vindictive and encroaching government. The expence to the country in the prosecution of this hopeful plan has been enormous—the unavoidable charge for arms, accoutrements, cloathing, and pay for these satellites of ministry has been enhanced, I fear, in many instances, by various forms of peculation, particularly by a system of false musters, which I am told has too frequently crept into practice among the exercising officers of the *Yeomanry*. What might be the force and utility of this body of men in case of invasion is problematical; I fear they would not be answerable to their cost; if the practice of false musters has prevailed to any considerable extent, their numbers and discipline have been exaggerated; certain it is, however, that they are sufficiently dreadful to the peasantry of Ireland, and certain it is, that to the Yeomanry we may attribute the loss of Catholic Emancipation, of Parliamentary Reform, and of Temper and Moderation in the government of the country; to them we are indebted for the reign of terror, for ferocities that might draw tears of pity from a Robespierre. How these gentlemen may protect us from foreign enemies, I know not, but we are bound to thank them, in the next instance after the *British* Cabinet for the state of intestine warfare that subsists in this country, for the appearance of hostile invasion, and more than savage devastation, which appals the traveller and traverses the country in every direction from sea to sea, at the same time, I am ready to acquit the Majority of any foresight or intention, that such should be the effect of their association; they have been mere instruments in the hands of designing men.

I am sorry to see, that some of the *Yeomanry* are rapidly sinking into a character, that will not contribute to render them more estimable in the eyes of their fellow citizens. From a mistaken idea, of maintaining peace of their own respective districts, of arresting suspected persons, and of punishing the idle and disorderly—they have been led to oppress the poor, on slight grounds, and sometimes without any grounds whatsoever; they have also been betrayed into very injurious conduct, in some instances, towards individuals in the respectable walks of life. I could conjure those gentlemen, to avoid such acts of indiscreet zeal; to reflect, that they may bring disgrace and odium, on the character of a *Yeoman;* and that they do not essentially serve the cause of government; but, on the contrary, alienate the minds of many loyal and well disposed persons; and that such Conduct must have a fatal influence on society, by diffusing a secret inveteracy and rancour between man and man; by disposing the sufferers, their adherents and connections to a fatal retaliation, should matters in this Country be fatally brought to the last extremity.

The gentlemen of the *Yeomanry corps* have strong ideas of a kind of military spirit or military honour, which, as they think, implicitly binds an armed man to obey, without reserve, the orders of his commander. Such gentlemen wholly lose sight of the first aim and institution of *Yeomanry* associations; and while they vainly fancy themselves to be soldiers, forget that they are citizens. I would entreat them, in the moment of interference, on actual duty, to put themselves in the place of the persons, whom they may be urged by others, or inclined of themselves to maltreat; let them not trespass on the forbearance of a much-enduring people—let them leave to the foreign mercenaries, that breath imprisonment, death and desolation, the task of coercion, and let them not seek to be recorded in history, among the founders of military despotism in their native country.

It is much to be lamented, that the patrons of the *Yeomanry* institution, in their rage for making the adoption of the cockade and the uniform general have been led to intrude with profane step and sacrilegious hand, into the sanctuary of learning. His majesty, who represents the founders of that venerable institution had he been timely apprised, would have interfered in the fullness of his paternal care, to preserve the only University of the country, from a measure so ruinous, so incompatible with literary pursuits and academic discipline. It is not surprising,

that generous and fiery spirits of warm and inexperienced youth, should catch, with eagerness at the idea of arraying themselves in arms to defend their Country. It is natural that the neighing steed and the shrill trumpet, the royal banner, and all *the pride, pomp, and circumstance of glorious war,* should make a strong impression on juvenile fancies, and lead the student for the moment to forget that the most important and essential service he can render the public, is to form his mind while he has an opportunity to catch the pure spirit of freedom, from the immortal writings and glorious models of *Greece* and *Rome,* to learn to know and value his own rights, and to respect the rights of other men; in fine, by a due attention to the attainment of elementary knowledge, to prepare himself for learning and discharging with integrity, and ability, the mighty duties of the citizen and the man. It is indeed surprising, and deplorable, that the rulers and preceptors of the learned seminary in question; men, who ought to consider themselves as trustees for the parents and guardians of the students under their care, that they, whether possessed with the demon of *alarm,* or smit with desire of preferment, and eager to conciliate the favour of a court, should sink the literary preceptor in the drill serjeant and exchange the sober cap and gown of the college fellow for the light-infantry jacket and helmet of the common soldier, the drum and fife resound incessantly through the peaceful and retired *pomœria* of the college, and lectures and examinations are postponed to field days and sham battles. The fellows of the college, if I mistake not, take a solemn oath, that they will both observe the statutes themselves, and to the best of their power, enforce the observance of them in others; how then could they bring themselves, to take up arms, and to put weapons into the hands of the students; in direct and open violation of a positive prohibition in the statutes?* If the obligation of an oath is a slight thing with those gentlemen, ought they not to have reflected seriously on the consequence of such a measure? How destructive of subordination—how unfriendly to study—how introductory of dissipation and intemperance—how apt to throw young men into the military profession, in opposition to the wishes of their parents!!

I have dwelt even to satiety, on the conduct and views of our *Governors;* let us now transfer our attention to the *governed,* and inquire into the temper and disposition of the people. It cannot be denied or concealed, that deep and general discontent prevails. The people have been ill-advised, and intemperate, in some instances; and furnished a pretext for making this country an example of severe chastisement, a lesson of intimidation to the rest of the *British* empire, to quell the movements towards reform, and stifle the mutinous aspirations after freedom. It has been the craft of the government to connect with the *French* revolution those efforts and movements which have been made toward renovating the constitution, and bringing it back to its first principles. The liberal sentiment, the wish for freedom, the censure of the present order of regulated corruption, all are reprobated, and ascribed to the fatal and alarming progress of French principles. I will not presume to deny, that a great nation triumphantly contending for freedom furnishes an apt subject of criminating comparison, and contumelious reference. I will not venture to insinuate, that the atrocities which disgraced the revolution in France may all be traced, to their true source, in the wicked and perfidious interference of the coalesced powers. But why resort to France and French principles? Are example and precept necessary to teach men to feel the law which nature has engraven on their hearts? Must the faint and bleeding bondman travel to France to learn that he is opprest when the burthen actually galls his shoulder, and the scorpion lash of his tormentor descends on his back. That there is room—room did I say? An urgent and imperious necessity for a reform in our corrupted constitution, and an amendment in the condition of the miserable people is a truth written *in the blood of the Irish peasant;* and he that runs may read it *by the light of the flames that consume his cottage.*

*Porro statuimus et ordinamus, ut nullus predictorum (studentum) armis, aut telis, veluti gladiis, sicis aut pugionibus, in Collegio, aut in urbe utatur sub pœnâ, primò commeatus duarum hebdomaderum, secundò menstrui, tertiò perpetuæ amotionis a nostro Collegio. Cap. 2 p. 81.

Friends of the Constitution

There are two parties in this country that alike profess themselves friends of the constitution; the adherents of the one profess an enthusiastic admiration of our inestimable constitution, not only in its substance, but in all its present forms; and think an attachment to the British constitution may be best manifested by vehement expressions of loyalty to the British Sovereign. The other party would willingly concede something to the changes which efflux of time has wrought in the sentiments and the circumstances of men, since various parts of the British constitution were first framed and settled as they now exist. According to the opinions of those men, a true regard to the spirit and substance of the constitution, not by a blind devotion to mere forms, but by a temperate pursuit, through legal means, of the emancipation of the opprest Catholics of Ireland, and of a solid and effectual, not an aristocratic and illusory reform in parliament—each of these parties accuses it rival of secret aims, dissembled with cautious art, and far more extensive and alarming than the avowed ostensible objects. The friends of reform suspect their opponents of conspiring to extend the prerogative of the crown, and even of harbouring a covert wish to effectuate an union between Ireland and Britain, as the only sure method of rendering permanent the connection between the two countries. The opposite party charge the friends of reform with what they deem an heinous crime, a secret predilection for a Republican form of Government, and a design to attain this darling object, under the specious pretext of a Parliamentary Reform.

I hold it fair to judge of men from their professions, as long as their actions are conformable. The secret intentions of the heart, can be known only to the great searcher of hearts; but I believe, in fact that each of the parties I have mentioned, might be subdivided into two classes. The first into the constitutional royalists, or honest alarmists, and the minions of power, the creatures and adherents without discrimination or free will of every administration, who thrive on the abuses and corruptions of government:—the latter into constitutional and royalist reformers and secret republicans. The ministerial royalist abhors all reformers alike, as his natural enemies; for all reformation tends to cut off a gainful traffic in abuses, to remove the disorders, in the state, to which these vermin owe their existence and magnitude. On the other hand, the friends of reform are apt to consider the persons who dignify themselves, exclusively, with the appellation of the supporters of government, as enemies of the country, in general, and of the reformers in particular; as persons who thirst for their destruction, and wish to extinguish all free enquiry and public spirit.

Impartiality obliges me to say, that from my observation (and I converse much with people of both descriptions) the reformers, though violent perhaps in their politics, are moderate in their demeanour, compared with their opponents; and controversy on their part, (with a few exceptions among the lower order) is free from personal outrage, and has not degenerated into savage ferocity and thirst of blood; what change the conduct of their adversaries may produce is not easy to conjecture; the other party are actuated by a rage more than human; their teeth are spears and arrows, and their tongue a sharp sword. They brand those who differ from them in politics, with the most opprobrious epithets—incendiaries—anarchists—traitors and rebels. No professions of loyalty or zeal for the *British* constitution can appease their fury; every man who wishes for a Reform in Parliament, or even with the utmost diffidence, intimates a doubt of the immaculate purity of the Government, both in theory and practice, is a traitor in his heart, and should be cut off from the face of society. They would prefer, as they scruple not to declare, the open rebellion of the reformers to their concealed hostility—they seek to light the torch of civil discord—the sabre thirsts in their hands—they long to immolate thousands, and tens of thousands at the *Moloch-like* shrine of a Minister, to whom myriads of Hecatombs have been already offered.

Such are the parties into which the people of this country seem to be divided at present. The voice of the moderate and wholly unprejudiced few, is too faint to be heard between them, much less to restrain their rage. The number of the moderate

diminishes daily; they are like an Isthmus, on which the tide perpetually gains—they will soon disappear, in the tumultuous swelling of the parties tthat surround them.

Let us analyze the parties into which the people of Ireland are divided, and resolve them into their component elements—and first let us see, which are the classes of men that devote themselves, without reserve to the government party. The most striking and the most vehement are the clergy of the established church; nor can it excite our wonder—their numbers in this country are unnecessarily great, in proportion to the numbers of people who are of the same persuasion—and the possessions of the established church in Ireland, are unreasonably, enormously great, whether considered with respect to the numbers of the clergy, or to the aggregate property of the country. The established clergy therefore, view the subject of the Revolution with eyes of anxious fear and abhorrence. They are sore, and tremblingly alive, at everything that tends to innovation. They see that the property of the church was sacrificed to the genius of Revolution in France, and their experience of this renders them inimical to all *reformation*, lest it should indispensably lead on to revolution. The majority of the professors and retainers of the law, are of the same party. This I attribute to the extensive influence of the patronage of the Crown, on a profession, which I fear is too apt to cherish sentiments of selfish venality. There are unnecessary and necessary places under government to an incalculable amount in number and value in this kingdom; the collection of the Revenue, in particular, is profuse and expensive in a most culpable degree. By these means, the country is overspread with a host of placemen and expectants. To this we may add the military patronage—and we shall find a third class implicitly devoted to the party of government and loud and violent in the defense of its very abuses. It is not surprising that in a corrupt state of society, the sets of men in question, should blindly devote themselves to the court party. They are influenced by a sense of present interest; but it is somewhat extrardinary to find the great body of the aristocracy of the country ranged under the same standard.

To what shall we ascribe this oblivion of their proper character and function, this dereliction of their situation and influence, in the community, this base political suicide? —To three causes—a corrupt and neglected education in the higher ranks of the community; a degree of luxury and expense vastly beyond their means, rendering them at once proud, unfeeling, necessitous, and dependant; but above all, to the provincial situation of the country.

It is now time that we should consider the elements of which the other party is composed. Two very different sects of Christians have concurred in ranging themselves under the ensigns of reform; the Catholics of Ireland, and the Protestant Dissenters. Of these in their order, the Catholics of this country are not what they were in the preceding centuries. We must not judge of them from the violent pastoral letters breathing the spirit of ancient bigotry and unchristian disunion, of one or two indiscreet and meddling Monks, who have happened to obtain high situations, in the *Roman* Church of Ireland. Those unhappy Priests if they are sincere in what they profess, do indeed, deserve our pity, and perhaps the aid of Doctor Willis;—if they write from a desire of fishing in troubled waters, and at the impulse of men more important than themselves, to instill, with malice prepense, the poison of civil and religious discord; they deserve the severest reprobation; and even—as to the great body of the Catholics in Ireland, the beams of philosophy have not dawned on them in vain; they have revealed to them their true interests and animated them with the warmth and benevolence of liberality. They are actuated, I am persuaded, with a true love of freedom; they plainly perceive that religious distinctions have too long been employed for the base purpose of rendering human creatures the dupes of artful and wicked men, and the blind instruments of their own oppression. They stretch forth their arms with an amity truly fraternal to embrace their Protestant brethren of all descriptions. They are ready to concur with them, sincerely and vigorously, in the great work of reformation.

The Protestant Dissenters have been at all times disposed to maintain the cause

of freedom; but it is a gross error and a high injustice, to conclude, that, because their habits and manner of life are, comparatively speaking, simple, and their ecclesiastical government, has a republican form, that they are of course, champions for democracy in temporal establishments. Many of the Dissenters are persons of large fortune, deeply interested in the continuance of public credit; we cannot rationally suppose that such persons would be the friends of anarchy, or the ringleaders of innovation; the forms of their religion, it is true exhibit an example of rational quality—and the precepts of their religion, lead them, in common with other christians, who attend to the spirit and precepts of the Gospel, to a temperate desire of freedom, this is all that can fairly be inferred from the religion of the Dissenters. With respect to their political sentiments, the Dissenters, in common with their Catholic brethren, have learned, by a tedious lesson, in the school of adversity, to be friends to civil and religious liberty, even on a principle of selfishness, as requisite to their own perfect emancipation, and full enjoyment of civil rights.

To the two great bodies of Catholics and Protestant Dissenters, I will add certain philosophical and speculative minds; that filled with abstract notions of freedom and smit with the charms of theoretical perfection in government, aim at a general participation of the Rights of Man, on the broad principle of the French Revolution. Such are estimable men, but I apprehend that their number in Ireland is not very great; I believe they abound more in England. There are also some ambitious, disappointed, opprest and injured men, particularly in the army, and in the learned professions, who are disgusted with the impenetrable routine of aristocratic influence, the sweeping vortex of court favour, and seek for the gratification of their cupidity, their vanity or their vengeance, in a new order of things. These two last descriptions of men, do not avow their names, they conceal themselves among the Royalist Reformers, and concur in their measures, as an intermediate step to the object of their wishes. An argument has been drawn from the republican views of some persons, against any concession to the friends of Reform. The answer is obvious, and has been often given, that temperate concessions perfectly consistent with the continuance of royalty, nay, tending to its permanent establment, would satisfy the major part of the reformers, and detach them effectually and immediately from their more violent associates and fellow labourers. What shall we say of the government that deliberately prefers the state of civil outrage, and a government by military force, to the trial of this mild expedient? I conclude this long scroll, with assuring you through all changes and chances of this mortal state, of the sincere friendship of

MONTANUS.

Ireland is the only country in the world where the people have been deprived of control both of the land and form of government.

T. A. E.

Not foreign government but foreign rule is Ireland's bane.

Theobald Wolfe Tone.

LETTERS FROM THE MOUNTAINS

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LETTER VI

MY DEAR FRIEND:

I have not yet adverted to those, who form the great mass and majority of the friends of reform; I mean the lower classes of the people; the artisans and peasants. They are interested more deeply in the success of parliamentary reform, than the higher classes of the community because, there is no part of the world, where the persons of the poor are held in greater contempt, or where their interests are more frequently or more grossly neglected, and even sacrificed by the legislature. We have been told that the doctrine of parliamentary reform is obstruse and metaphysical; that the multitude cannot understand it, and are, in fact, little interested in the attainment of the measure. Without entering into the subleties of religious dispute, or the nice distinctions of party; without entering into abstract reasonings on the inequality of representation; even the rude, the thoughtless and illiterate, must perceive, that should a system of legislation prevail, contradictory to the clearest principles of natural law, destructive of every right and enjoyment that man has been taught to value, and repugnant to every feeling that God has implanted in his heart; some change is necessary.—That if the possessions and lives of the people are voted away, with unfeeling profusion; while corruption, public prodigality, and peculation are screened from enquiry; some change is necessary—That if the complaints of the people engender only coercion; and the tears of the peasant, that moisten the soil, return to him no other crop, than a plentiful increase of pains and penalties, some change is necessary.—The truth is, that every day's miserable experience impresses on the aching hearts of our peasantry, the necessity of a reform in parliament. To the want of parliamentary reform the people attribute the commencement and continuance of the present portentous war, which has overwhelmed the land with wretchedness beyond example;—the perpetuated abuse, the prescriptive grievance; and the code written in blood, dictated by the exterminating spirit of an avenging demon.

The lower classes of people in this country have long groaned under well-founded causes peculiarly of heavy complaint; and these were such as pointed out the necessity of parliamentary reform; because they were such, that it was the especial province of parliament to remove them. They were oppressive laws, pernicious customs or unwise regulations.—Tithes exacted to an uncommon extent; and with unusual rigour, operate as a tax on industry, and discourage all improvement of the soil. The custom of casting lands and selling them at the highest penny, without any regard to the antient possessors, generally prevails. A most pernicious class of people, land-jobbers or middle-men as they are called, contribute to the depression of the poor, and the encrease of idleness, luxury, and vice. Half a million yearly is paid to absentees, who commit the management of their estates and with it the fate and very existence of their tenantry to mercenary and often merciless agents; and far from studying the welfare of the land, that supports them in pride and luxury, they consider it as a foreign and even a hostile country; or scorn to remember, that it has any civil or political existence; except when the stated return of the day, when they may drain it of its wealth and substance, renews their recollection of *Ireland*. Add to this,—overgrown establishments, ecclesiastical, civil and military, and with them an enormous overplus of unproductive consumers, in propor-

tion to the means of the country; and you will find sufficient causes to which you may refer the discontents of the people; without resorting to the prevalence of *French opinions*. You will easily comprehend, why the peasantry of *Ireland* should have no great confidence in the legislature of the country, as it is now constituted and elected, which has, for ages, been a passive but not an ignorant spectator of these gigantic evils, and the misery they occasioned, nay, on many occasions, an active cause of their continuance and increase.

The causes I have enumerated, have for centuries wrought, like the covered materials of the volcano, the desire of redress, and the despair of obtaining it have fermented, in the minds of the lower classes. During the last forty years they have become impatient of oppression. The increase of information and improvement of intellect among the poor, not being accompanied by a proportionable amendment of their condition, they have become fully sensible to the wretchedness of their state. They have long and loudly complained, to no purpose; goaded by misery, and irritated by contempt, they have proceeded to tumultuary risings, and local outrage; from time to time, under the various denominations of *white-boys,—right boys, oak-boys, hearts-of-steel, and defenders.* The high price of lands—the low price of labour—the exactions of tithe-farmers, stood foremost in their catalogue of grievances. I am not an advocate for disorder and popular commotions, but surely, it ought to have occurred to the legislature, and the government of *Ireland,* that an uniform, inextinguishable spirit of Discontent, smouldering in all people's minds, and perpetually breaking out into acts of insurrection, notwithstanding the severity of the laws, and the vigilance of government, could not exist and continue to work, without some powerful cause. Short and temporary risings may be excited on slight surmises, but such a permanent spirit of tumult and insurrection, perpetually reviving, and appearing in one place, when they are suppressed in another, could not exist and operate under persecution and restraint, without an efficient cause equally permanent.

What has been the conduct of the Government and the legislature, during the period I have mentioned? Have they endeavoured to cure the disorders of the people, by the only rational and effectual mode of cure,—the removal of their cause? Have they even deigned to enquire into the grounds of their complaints, or to consider whether those complaints are well or ill founded? No; they have endeavoured to silence them, by sanguinary laws. The people asked for bread, and they have given them a stone. Oppression it is said, *makes a wise man mad*—how much more the simple and ignorant vulgar? What mode of treatment have the rulers of this country applied to this frenzy of the poor? The straight waist-coat, the whip, spare diet, the bed of straw, the influence of terror, and the dungeon. They could not altogether shut their eyes to the sufferings of the poor, they could not deny the existence of grievances, or say that the complaints of the poor are unfounded; but they entrench themselves in expediency; this, they tell us, is not a time. They object to the tone and conduct of men whom famine and misery have maddened. Their tone is disrespectful, their conduct turbulent, and relief is to be suspended, till the starving peasant shall be taught by penal laws, and military magistrates, the mildness of a martyr, and urbanity of a courtier. *Rusticus expectat dum deflat amnis at ille labitur, et labetur, in omne volubilis ævum.*

There is in this a marked uniformity of acting, a proceeding on principle. It is perfectly consistent, to negative all enquiry into the state of the peasantry, in that assembly that negatived a tax on absentees, that negatived a fleet for the defence of our coasts, that negatived—a moderate tax on the manufactures of *Britain,* while they taxed salt and leather, while benevolence, strained and tortured to the utmost, was unable to prevent the poor manufacturers of the country from perishing by myriads, a non-importation agreement, for a limited period, with respect to the production of foreign looms, was proposed; not as a measure of hostility but as some palliative of his sufferings if not radical assistance to the manufacturer, in this his hour of unexampled distress. It is much to be deplored, that his excellency earl Camden's opinions, respecting the interests of British commerce, made him think it his duty, to discountenance this salutary measure;

as the expression of disapprobation, must fall with great weight into the minds of the people, from an authority so high. Such is the condition of the lower classes in *Ireland*. —And now, I think, I have laid before you a description of the persons that compose the phalanx of reformers.

For a justification of the motives of the friends to reform I would refer you to the statute book. See the commerce of the country sacrificed—read the illiberal restrictions, the penalties reproachful to humanity, recount the multitude of sanguinary laws that stain the pages of a voluminous code. I would refer you to the administration of the public revenues and resources of the country; behold an authorised and systematic peculation amidst national poverty; a gross and uncontrolled prodigality, amidst the decline of trade, the ruin of manufactures, and the universal and unutterable distress and calamity of a despairing people. I would then direct your glance to the administration of the executive power. I will not say that you shall behold a glaring perversion of the forms of justice; a flagrant violation of every legal and constitutional principle; and a total privation of every legal defence for property, freedom and life; all sanctioned by the co-operation of the legislature.—No—I will charge you (whatever you may chance to see) to lay your finger on your lips, to discipline your countenance, and marshal your features lest some sound or look of discontent should expose you to danger. To compleat your knowledge of this subject travel thro' the country;—you will find the gibbets loaded with victims, the fields drenched in blood, and strewed with slain; the flames of rural habitations dispelling the night, or their smoak obscuring the day. See the wretched famishing remnant of a family; the widow and the orphans, assembled near the unextinguished ruins of their demolished cottage, exposed to all the inclemency of heaven, shivering at once with cold and terror, lamenting over the lifeless body of him, whose labour used to supply their scanty meal, and fearful, in the midst of their anguish, lest their sorrow for the dead should be treason, their cries and groans the signal for butchery. Having viewed all this, and considered, that no part of it has wanted a legislative sanction, you will readily allow, that it is necessary to shorten the period of time, during which a venal, corrupt, or foolish legislator shall have it in his power to surrender the rights, and to betray the interests of his constituents; that it is necessary to give more weight and influence, in the community, to the peasant and the artizan, by an extension of the elective franchise, as the sure means of giving force to public opinion in the elections, and of producing in the representative, a greater deference to the judgment, and attention to the interests of the people. It is easy to see, that *the poor and ignorant Irish peasant, and the equally poor and ignorant country artisan,* may understand this, without understanding the constitution, as well as a venal pensioner, a court pamphleteer, whose pen and conscience are at war, and may desire a reform, without being *actuated by the daring spirit of innovation* or *excited by the insidious pains taken by the votaries of France.*

The Reformers, tho' differing widely, as I have shewn you in their views and sentiments, are all confounded together, by the ministerial writers and talkers; and stigmatised, in common, with the name of UNITED IRISHMEN: a name which, according to them, denoted sowers of sedition, preachers of anarchy, and foes of social order. I am not an *United Irishman.* But this much I will venture to assert, that however the obligation of an United Irishman may have been abused, and perverted by weak and ill-advised, or wicked people, yet if it be conceived in the term stated by the report of the secret committee, it cannot fairly be inferred, from the words of this test, that the views of those, who have associated as *United Irishmen,* extend beyond the attainment of a reform in parliament by peaceable and constitutional means.

It is said, violent disturbances have existed, and many acts of violence been committed by persons calling themselves *United Irishmen.* The account of these transactions has been grossly exaggerated, by ministerial writers and talkers, for the purpose of casting obloquy and odium, on the cause of reform; and as a pretext for introducing the reign of terror. But supposing those tales true in their utmost latitude, two observations

naturally occur on this subject;—first, it has appeared at the trial of *Watt*, who suffered in *Scotland*, at the trials of *Hardy* and others, who were acquitted of high treason, by the good sense and virtue of *English Juries;* and in the course of innumerable trials of persons, who have been condemned or absolved, since the commencement of the present persecutions in *Ireland*, that it is the uniform practice of Government, to send spies and emissaries, who try to insinuate themselves into all the meetings of the Reformers. These miscreants endeavour to avert suspicion and even to win the confidence of those among whom they intrude, by a boisterous affectation of superior zeal and energy. Not satisfied with performing the character of mere spies and informers, they have acted the part of *Satan*, and first tempted, in order to destroy. In fact, either to render the perdition of their victims more certain, or to secure to themselves a greater reward, by producing a plan of mischief, worth the sums which they expect to draw from the treasury, and fit to countenance the fictions of the alarmists they declaim with heat; they rouse the passions of the unguarded men who consort with them; they instigate them to acts of violence, absurdity and outrage, disgraceful to their cause, and destructive to themselves. It should ever be remembered, that the man of true principle is calm, cautious, patient and determined; the spy and the informer is loud, clamorous, and boastive, he breathes fire and sword; he suggests the most criminal, rash, and dangerous measures.—Secondly, if a perturbed spirit, an agitated demon, stalks abroad thro' the land, how has he been raised?—By the spells and incantations of *United Irishmen?*—No—the mistaken measures of the cabinet, encreasing the disorders, which they profess to eradicate and concurring with the dreadful consequences of an ill-omened war would have provoked the fatal visitation; had the name and obligation of an *United Irishman* been unknown; if the *United Irishmen* are as numerous as they are stated to be, in the report of the *Secret Committee*, it is manifest, that a perseverance in the present violent measures of persecution will consolidate the mass, by oppression; and render the association more and more formidable daily, by the numbers, the zeal, and union of its adherents.

It has been asserted, that a system of insurrection is organized, and already in much forwardness. Whom then are we to thank, if there has been a revolution in the minds of men since last winter, when a foreign armament appeared on our coasts? If many among the people should he disposed to welcome those, whom they before regarded as objects of terror; the change must be ascribed to the ill-judged and unhappy exertions of administration.

The people have not sought insurrection, they will not seek it, but it may be forced upon them. Should they reluctantly be driven into this awful situation, the government, which shall have urged on the momentous crisis, will have hoarded for itself a most dreadful responsibility against the day of reckoning, which assuredly must arrive.

The present state of this country is not a natural one. It is under the reign of terror. The tree is warped from its natural growth, and heaven-ward tendency, and bowed to the earth by the application of immense force and irresistible pressure; remove the force and pressure, it will return, with a tremendous elasticity; it will resume the bias which God and nature connected with its first germ, and spread its branches to the sky. An immense military force, too seldom restrained by discipline or law, overspreads the country; and is entrusted to officers frequently deficient in prudence and experience, and studiously exasperated against the people. Under the auspices of a military government, the digging of potatoes has become high treason, the reaping of corn a felony of death. An inquisition has been established in the country, with all its host of spies and familiars, scrutinizing not only the avowed actions, but the domestic life, the private confidence, the secret sentiments, the very looks of men. Domiciliary visits are frequent, as they were in *France* under the terrific rule of *Robespierre*, and equally fatal to the objects of them. An arbitrary caprice, on the slightest surmise, inflicts imprisonment or exile, and calls it wise precaution. The greatest part of *Ireland* groans under military execution. *Rapine, conflagration* and *butchery*, rage without compassion or controul.

We are told, by the apologists of terror, "that the turbulence of the people has

provoked a mild and long-suffering government, to raise the strong arm of coercion; that blood-letting was the sole cure for the fever of the times; a strong military force the only corrective of the rage for innovation. Even the excesses and outrages of an ungovernable soldiery, are to be invited and encouraged, as the sure means of breaking down and taming a restive people. It is said, that free employment of severity, by way of punishment for the past, or prevention of the future, has produced the most salutary effects. The public prints have been filled, with resolutions of non-commissioned officers and privates composed in strains of eloquence, which would not disgrace our senate and breathing such sentiments, as are supposed to actuate the majority of that virtuous body; the people have been charmed with the example, or overpowered by the arguments, of the military apostles of good order. They see that half the cabins in their neighbourhoods, have been burned, and their owners shot, beheaded, cut to pieces, or secluded from light and air, in floating dungeons. They see the folly of their past conduct. They press in crouds to take the oath of allegiance, they deprecate, in the most submissive terms, the vengeance of the aristocracy, and the wrath of the soldiery; and to show a compleat change in the sentiments of *Irishmen*, the partizans of government, with very few exceptions, indeed, have been returned throughout the country, to *serve* in parliament".

The foregoing is, no doubt, a delightful picture of the calm and happy state of blessed peace and security which has been the offspring of martial law. It is improbable, that, should the impressions of the present plan of wise intimidation prove lasting, an attempt may be made to realize the secret, inveterate wish of the *British* cabinet, and perpetuate an Union of this country with *Britain*. I shall not question the humanity of the armed conservators of the peace, who have superceded all legal and constitutional authorities; I must suppose the common soldier burns houses, and shoots the inhabitants in cold blood, from honest motives—the love of good order, or obedience to the commands of his superior. A *Scotch* or an *English* peasant, drest in a red uniform, can feel no natural antipathy to an *Irish* peasant, merely, because the latter is clad in grey frieze. The common soldier is as much a machine, as the musket with which he kills the peasant, or the torch which he employs to fire his habitation. I will say, however, to our governors, who have found or created the necessity of restoring peace by extermination; of marking their steps with blood and desolation; and of lighting themselves, by the flames of houses, to the destruction of the people;—PAUSE.

The people must bend under the pressure of the times, and submit to the will of their masters, with a passive fortitude. Government has preserved its dignity. It has prostrated the multitude at its feet. It might now be wise and expedient to consider, is there no alternative, no mitigation of the prevailing horrors? Recollect, that the Christian religion was an innovation; that it was persecuted with a strong hand, and spread and grew under persecution, its growth was nurtured with blood, its triumph sealed with the sufferings of martyrs: but the progress of Christianity was aided by miracles—well then—let the managers of strong measures turn to the United Provinces. They will see that in a small extent of territory, and out of a population, less than that of *Ireland* eighteen thousand persons perished, by the hands of the common executioner alone, in the course of the struggle, for freedom, many of them in exquisite tortures. What was the event? many sovereigns may emulate the obstinacy of a *Philip;* many viceroys may reach, perhaps surpass the gloomy and deliberate barbarity of an *Alva;* but *remember,* that it is not easy to find an heroic Prince of *Parma* whose valour and ability may defer the fall of tyranny.

Farewell, my friend; preserve your courage and your hope in the worst of times and believe me,

Yours sincerely,

MONTANUS.

No man, or set of men, have the right to place a boundary to the progress of a nation.
Charles Stewart Parnell.

One hundred and six years have passed and not one promise held out by the Union but has been belied.
The case has been heard and Unionism is condemned.

Dubois, Tr. Kettle.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, NOVEMBER 21, 1797—NO. 24

LETTER VII

MY DEAR FRIEND:

I have now finished my review of the present situation of Irish affairs; a situation which must highly gratify the foes of the Irish name; a situation which now demands—and may in future, yet more imperiously demand the patience, the fortitude, the circumspection, perhaps the daring of every patriotic *Irishman*, and will deserve the severe reprobation of impartial history, and the indignant curse of a just posterity. This country offers to her suffering children a course of fiery trial, and Spartan discipline in every passive and active virtue. I have dwelt on the painful detail of calamity and grievance, with some prolixity, because the deep consideration of this subject affords a key to the secrets of the British Cabinet; explains the motives and the maxims of the partisans of an English interest, and a Protestant Ascendancy, and may teach the people to moderate their sanguine hopes of redress from our present rulers and to—submit, with quietness to their destiny, while the reigning order of things prevails.

You question me, as to the probable continuance of the systems of terror; after so much artifice and design employed for its introduction I cannot think it is meant to be speedily relinquished. The architect would not have employed his utmost care and industry to lay the foundations of a structure, he would not have commenced the building of the most durable materials, had he designed to prostrate it the next day. I must point out to your notice a similitude, which could not be casual, in the mode of proceeding in the two islands; but which, on the contrary, shews a deep contrivance and refined reach in policy, to introduce an abrogation of the most important parts of the Constitution.—The outrageous and horrid attack on the King's person on his way to Parliament was made the ground and pretext for issuing a proclamation of an alarming nature, and for proposing and passing two most violent and oppressive laws, that subvert the dearest rights of a British subject. The statutes in question were brought forward and if they had* been framed on the spur of the occasion, and were merely intended to prevent a repetition of such atrocious attempts; yet it appeared by the unguarded confession of Mr. Secretary *Dundas*, that they had not only been projected but actually prepared, some time before even the outrage, their pretended ground and occasion, took place. Now compare this artful and perfidious transaction, so disrespectful to the sacred person of our Sovereign, with what has been committed in *Ireland*. The outrages of *Defenders*, for some time past unnoticed; the outrages of *Orangemen* were even encouraged. When the managers of this iniquitous machinery perceived that a sufficient quantity of irritation was infused into the people, to render them impatient, and a sufficient quantity of disorder and apparent disaffection disseminated through the country, to furnish some pretext for the suspension of the *Habeas Corpus*—the insurrection act—the proclamation of districts—martial law—the reign of terror—then the slumbering Government arose like a giant, refreshed, or rather intoxicated with wine; it sprung forward like a tyger, which had couched in seeming repose, to watch and seize his prey with the greater certainty.

*A clear and particular account of this transaction, in the new Annual Register for the year 1796.

From these premises I infer, that the reign of terror thus artfully introduced will not cease by a voluntary surrender.

Let us consider the causes which may enforce a reluctant abdication of the terrific system. I know not whether foreign invasion would have that effect; nor what are the probabilities of such an event. Powerful motives exist, which must dispose the *French* people to strenuous exertions for the humiliation of the *British* empire. The astonishing efforts, which the *English* government has employed, to conjure up enemies to *France*. *England* has been the life and soul of the confederacy against her, by intrigue, by treaty, by subsidy, by persuasion, by threats, by force of arms. She has endeavoured to increase and consolidate the coalesced mass, that threatened to strangle in the birth of the new liberty of *France*. The new ministry of *England* conceived the grand majestic project, a project worthy of the author of all evil, of visiting with famine twenty-five millions of people, who dared to think for themselves. To *England* alone *France* attributes the long continuance of the calamities and horrors of a war, destructive beyond all example. In fine, *England* has aspired to the universal empire of the sea, and has displayed on that element, an irresistible power and energy, more justly alarming to the rest of *Europe*, than the domineering pride and ruthless ambition of the great *Louis*, as he has been most improperly called, by the flattery of poets and historians, and the folly of his subjects. Such are the causes which may excite the fear, the hatred, the jealousy of *France*, at the same time she may perceive, that should the present opportune crisis be suffered to escape, she may never find such another occasion, of abating the pride and confounding the devices of her inveterate rival. But the sea—the sea—is the protection of *Ireland*.

I lay aside the attack of a foreign enemy; other causes may overwhelm the reign of terror. It is not a circumstance peculiar to this country, that the treasury is exhausted and loans are negotiated by the state, on terms more extravagantly usurious than were heretofore offered by young spendthrifts; that specie has disappeared and Bank-paper depreciated, and in danger of sinking, to the degraded condition of assignats; and that the civil list is in arrear, to a vast amount. But, it is a circumstance peculiar to this country, or at least peculiar to this administration, that prodigality and profusion should prevail in the midst of distress and bankruptcy. While the learned judges, the various law officers, and different ministers of justice in various courts and tribunals throughout the country, men who render essential, unequivocal, and honourable services to the public, and whose stipends ought to be held sacred, and paid with a religious punctuality in the most difficult times because their labours and exertions are indispensably requisite to the well-being, nay, to the very existence of the community. While these men, whose functions are thus important, experience an unfeeling, unblushing insolvency which repels their just demands, with stern effrontery; while the base instruments employed in secret service of doubtful utility, find their way to the public coffers and return burthened but not satisfied; and large sums are clandestinely lavished to purchase perjury, and reward treachery and falsehood. But these are minor considerations; the care of satisfying the army the arbiter of our fates, supercedes all other claims, however well-founded and urgent, and must be the grand and favourite object of a military government. The judge and the magistrate may be as awful to the community as the soldier; but the former are men of peace; if they are hardly treated, they must acquiesce; the latter is conscious of his own strength, the sword is in his hand; he will take justice, if it is not freely rendered to him; he is in a condition to give law to his superiors.

Every friend of government exults no doubt, in the present loyal dispositions, and imposing countenance of the military force. Yet I would beg leave to suggest, that an engine has been set in motion against the people, powerful it is true, but of nice and difficult management. The *pretorian* guards of old, the janissaries of latter times, have often overset the governments that employed them. The late mutiny of the *British* navy shook the empire to its very centre. The land forces also showed symptoms of discontent; and it became necessary to ensure their peaceable demeanour by an encrease of pay.

The army of *Ireland*, with the importance and ferocity of *Turkish* janissaries, may imbibe their formidable spirit. Taught to debate, to agitate, to give law, invested with the whole executive authority of the country, and rendered the sovereign masters of our property, our freedom, and our lives, they may learn to know their own importance, and demand rewards proportioned to their mighty services. But should the people, contrary to the humane wishes of some persons, high in station, persevere in their passive system, it is possible that the troops may become discontented.

I am not afraid, of the arts of *Jacobins* and *United Irishmen*, tho' the secret committees of parliament announce in their reports, plans of seduction, and committees of insurrection. We are guarded against the arts of such men, by new and unprecedented laws hanging over the individual, who shall dare to tamper with the soldiery, severe and monstrous penalties, of vague and undefined charges, difficult of denial or disproof. It is in a different quarter that the storm begins to lower. Government is already sore pinched for money. The civil list, as I have said, is heavily in arrear; so is the pay of the Yeomanry, the list of half pay officers and pensioners. It is even whispered that the treasury is deeply indebted to the several army agents, who have advanced money as far as their means would allow, for the subsistence of the forces. All manufactures have declined; trade is at a stand; the consumption of luxury is retrenched; there is an alarming deficiency in the receipt of the revenue. Should the funds, by which the army, in other words, the government of the country, is paid and kept quiet, become exhausted, Heaven preserve us! the soldiers encouraged in licentiousness, that they might the more severely scourge the people, like unfed tygers, may devour their keepers.

This is no visionary fear. Suppose the sources of revenue stopt, that neither summer lottery nor winter lottery will avail, to replenish the treasury, the payment of interest on the funds may then be suspended, or wholly discontinued. The banks may be involved in the fate of the treasury, with which they are now too closely connected, thro' the vanity and ambition of some among the bankers. Distress and indigence already begin to pervade the abodes of luxury and pride, particularly among those who depend for subsistence on places, pensions; or the profits of trade. Insolvency, emanating from the wants of government, may become daily more general and more pressing. Thus will be produced a dreadful action and re-action of the treasury on the people, and of the people on the treasury. The people may retrench or wholly discontinue the use of many things, which are now a principal source of revenue. The people may at last become unable, or unwilling, to pay the taxes; already they are tardy and murmur. What then may be the situation of government and of the country? The government besieged on all sides, surrounded with vengeful clamours—the country plunged in bankruptcy, filled with a licentious soldiery, unpaid and uncontrouled.

Advert to another danger.—Our streets have been filled with famished crowds; our ears pierced with cries of starving manufacturers. Multitudes have perished, and are yet perishing in the silent retirement of despair, throughout the crowded and infectious retreats of calamity and disease. The infuriate feeling of famine is, for a season repressed and stilled, by the lenient and pious hand of private benevolence. Blessed talk, to the humane individual, of much present utility to the public! but I fear the hand of partial and individual bounty, it is too feeble to produce permanent effect. A steady resolution to consume only the MANUFACTURES OF OUR COUNTRY, is the sole means of restoring bread and industry to the poor. That is with-held. The sources of private and voluntary beneficence may be dried up, and the miserable victims of a nefarious war, and a relentless faction may be turned out, in thousands frantic with their sufferings, hungry and fierce as famished wolves; renouncing obedience to the parent that seems to have abandoned them. They will prowl at large; they will avenge their unfeeling pride and heartless luxury on the Rich, by the depredations of the Poor. Merciful God, what a scene! It may not be distant. We should consider, with awful apprehension, that a season of want and calamity, powerfully conspired and co-operated

with public discontents, and political motives, to produce revolutionary movements in *France* and particularly in *Paris*.

I now leave you to chuse your party, in the divisions that agitate this suffering land. The facts and reflections which I have offered to you, may perhaps, have some weight in your opinion, and influence on your decision. I know your integrity. You do not seek the strong hand but the righteous cause. Chuse with deliberation, that you may chuse well; and having chosen, adhere with steadiness to the party of your choice. I know you are not one of those cold and contemptible spirits, that disclaim interference in party; and seek to dignify their selfish apathy or coward caution, with the name of a pretended moderation.

These are no times for half measures and temporizing expedients; they call for decided resolution and active energy, pointed onward, and pressing to the goal. A conscientious man may perhaps, (though I think you would scorn such a conduct) bring himself, to act in an ambiguous manner, and vibrate from side to side, between contending parties; when their collision arises from a mere struggle for power; but such a conduct will become highly criminal, and even parricidal, when the contention between parties, arises from such vast and pointed differences, from principles of disagreement so irreconcileable, that they not only affect the dearest interests, but the very existence of the community; when the countenance and co-existence of the two parties may become an impossibility, and the maintenance or re-establishment of public peace, and social order can be obtained only, by the triumph of one party over the other; the choice may be a choice of difficulties, but it must be made; and made decidedly, and for ever.

When one party seems to be bent on the extermination of the other, and charges it with the foulest crimes, and the most dangerous intentions; when it is plainly seen, that no power short of a miraculous interference of Heaven, can accommodate their differences; then the party which is branded with opprobrium, and marked out for destruction, will find no resource, no means of safety, except in the overthrow of their adversaries. In such an enraged state of the public mind; what individual will be suffered to remain neuter? What good and feeling man would wish to remain neuter, if he might? I do not believe that the merits of two contending parties were ever yet so evenly balanced that they equally deserved the support of a good and impartial man; though good men might doubtless be found in both. The law of *Solon*, was a wise one, which punished the neutralist in a civil contention. I never could bring myself to admire the character of *Atticus;* heartless, cold, and unfeeling must be the man—the thing rather,—for such neutralized existence belies the name of man,—that wraps himself up in his own selfishness, his own private enjoyments, and narrow pursuits, while his fellow-citizens, his friends, his brethren, advance with enthusiastic rage, to the mortal contention. When wise and good men enter into party, or take a share in civil commotion, (which, observe, I fervently deprecate) the most salutary effects are produced, the views and motives of party are rectified; the popular disposition is humanizd; the violent ferments of the people are moderated; their exertions are calmly and wisely directed; the multitude are taught a salutary moderation, in the day of their triumph and their power; the acts of sanguinary rage, and brutal violence are prevented.

The civil war in *Britain*, which ended in the death of the unhappy Charles, though productive of much bloodshed, was marked with few or no atrocities; the blood which flowed in that fatal struggle, was shed in fair and open combat, on the well fought field. To what must we impute this mildeness, in the midst of fury; this humanity amidst the fields of death? to the hallowed and over-ruling influence of a number of great, good, and wise men, who were led, by their principles, to renounce the seats of ease and opulence, to abandon the care of their private fortunes, and what was to them a greater sacrifice, to quit the academic shades, the elegant pursuits, and calm retreats of learned leisure; and to range themselves, at the trumpet's voice, under the banners of the contending parties.

I must warn you, that if you hope to unite the ease and indulgence, both mental and

bodily, of untroubled times, with the agitations of party; you will be sorely disappointed. The present times, will require uncommon firmness, large sacrifices, severe privations, and laborious exertions, but how shall you escape them, could you desire it? You must fly from your native land, you must renounce your situation in society, many of your most valuable and dear connexions; you must divest yourself of the patriot feeling towards your country, which includes all the best affections and fondest charities of the universal bosom. And whither would you fly? in what quarter of the habitable globe, can you dream of finding untroubled and permanent repose amidst the general convulsion, which shades the *genius* and *the mortal instruments?* It is not only more manly and more honourable, but also more prudent, to march with countenance erect, a volunteer into the patriotic ranks, than to be forced to the painful alternative of becoming one of the satellites of tyranny, one of the oppressors of your country, one of the butchers of your brethren; or of joining the patriot band, at a future day, reluctantly and ungraciously, and of bringing an accession of strength, without deserving gratitude or honour.

Above all, do not despair of the republic; believe me it shall not be lost; the present silence of the people, is not the silence of fear and despondency, but of discretion; the public cause is not abandoned, notwithstanding the terrors of military execution, or yet more grating to the serious mind, because of the mixture of cruel mockery the forms of judicial butchery, legal assassination; adversity teaches many admirable lessons; among these, caution and circumspection are not the least valuable; the people, I hope, have learned those lessons, their situation needs them; when the most specious professions, and fairest outside may conceal a traitor, and the most laudable acts and expressions may be tortured into felony or treason, by crown lawyers and complying juries, and no man can hold himself safe, a temporary consternation, must prevail; but the day must come, when the people shall firmly rally around the constitution, and range themselves boldly, under the standard of freedom.

I had some thoughts of reducing my sentiments on the present situation of this country, into a methodical form, and communicating them to the public; but who would venture to write for the public in these perilous times, when we have new censors for literature, and licensors of the Press? Who can be sure that his writings will suit the palates of those fiery critics—the non-commissioned officers and privates? Many administrations, in different countries, have endeavoured to curb or destroy the Freedom of the Press; but they have usually attempted this, in something of a quiet and plausible manner, under the forms of law, or the regulations of the police. The annihilation of the Press is, no doubt, a most desirable object to those governments that profess an opposition to public sentiment, and aim at a conquest over public spirit. It remained for the happy vigour of the present administration, to point out a compendious path to the compleat suppression of the public voice—a path unknown even to the strong governments of Spain and of France in her former days of despotism. But believe me it is in vain——the current of thought and opinion is too mighty and impetuous to be stayed. While the people have hearts to feel, heads to think, tongues to speak, or hands to strike, there must and will be found expression of the public sentiment—its sound shall go out into all lands, its words unto the end of the world.

MONTANUS.

The progressive uprising of the Irish people, the simultaneous downfall of the governing classes, is one of the great social facts of cotemporary Ireland.

Dubois, l'Irlande Cotemporaire, Tr. Kettle.

FROM "THE PRESS", DUBLIN, DECEMBER 12, 1797.—NO. 33

To Correspondents.

If "Montanus" by any chance happens to hear of a wretched libel in the filthiest and most obscure of the licensed libel Journals, addressed to that universally respected character Counsellor Emmet, imputing his writings to that gentleman, he will see how faithfully his valuable communications have been preserved. That scribbler has in the true stile of his knavish profession extorted money from his duped employers, by stating himself to be in possession of Montanus's MS., in Mr. Emmet's handwriting; Montanus knows from this assertion as well as we do that he lies, and we shall hope for a continuation of his favours. To the *whip-cord* of his cheated masters we leave this contemptible *Bravo*, they are fittest to deal with each other, we wish them a very merry Christmas; and long may they live together; and we should, if they were not too far below our contempt, return them thanks for their abuse; so far, however, as this abuse proceeds from the Cabinet Clerks, it crowns the honest fame of the gentleman so attacked, for this reason above all that it is well known that if he was not eminently virtuous, they would not have laid out so much of their reduced finances to purchase abuse of him. This gentleman, we understand, with magnanimity becoming a true lover of freedom scorns to prosecute the printer, whose "poverty (perhaps) and not his will consents". He feels himself untouched by such base scandal, "let the galled jade wince". Let the press be free; if it speaks truth, it is just. If it speaks falsehood, that falsehood will recoil upon itself. Let that administration which leagues with libellers, and conceives its own existence incompatible with a Free Press, prosecute printers. A freeman wishes the press to be as unrestrained, as thought itself.

England has oppressed and exploited us for seven centuries; her object still is to depopulate and Anglicise the country and to destroy the race; her aim is to turn Ireland into a cattle-ranch. She distorts historical facts in order to spread slanderous theories, and thinks she has atoned for the past when she offers us a series of half measures and badly planned reforms. These reforms, moreover, always come too late, and are only granted in response to threats of violence and Fenianism. England has done her best to turn us into rebels. Loyalty on our part would be only hypocrisy.

Unknown.

Ireland each year costs more and more and brings in less and less to the Empire. This is a strong argument in favour of Home Rule.

Parliamentary Papers, July 18, 1904.

LETTERS FROM THE MOUNTAINS.

ISSUED BY "THE PRESS", DUBLIN, FEBRUARY 6, 1798—NO. 56

LETTER VIII

You propose to me certain queries, that naturally arise out of the subject of our correspondence—they are of the utmost importance; but the answers to them may not be easy, or safe of discussion; yet I will endeavour to satisfy your doubts, so far as may be allowed, in these wretched times of cruel vigilance, and jealous oppression; when, not only the free communication of opinion is represt, but even the current of thought, and the exercise of private judgment are controuled. I must repeat, once for all, what I have inculcated in my former letters, that the present *English* ministry have given such decided and unequivocal manifestations of their hostile dispositions towards this country, that from them WE CANNOT HOPE FOR GOOD; *do men gather grapes of thorns, or figs of thistles?*

The question, then, naturally results—is there any dawn of hope? any prospect of relief, by the removal of this ominous and atrocious administration? I fear, I must answer in the negative.—The English people are sunk in torpor and apathy—they have not thought or feeling to demand a change of men and measures; on they plunge and flounder, from ill to worse, with implicit confidence and blind submission, to the flagitious men who have heaped on them calamities unparalleled, and overwhelmed them with bankruptcy and shame; a resort to new men could not make them worse—it might, perhaps, snatch them from perdition; they are possessed by a besotted desperation; they have not courage for the experiment; the aristocratic proprietors of the soil, immerst in luxury, and whirled away in the pursuit of frivolous pleasures, cannot bear the fatigue of reflection; they do not wish to be roused from the trance of fond indulgence. The monied people, the dupes of their own avarice and cupidity, ensnared by the present lucre of government contracts, and financial speculations, have soared on wings of paper to an imaginary prosperity. They shrink abhorrent from any change, lest it should injure the frail vehicle, which alone supports them over a tremendous abyss. They have so implicated themselves with the present system, they find such momentary advantage in the continuance of the reigning abuses, that they cannot detach themselves from the minister. The people, the plebian multitude have no longer any name, voice, or political existence; they must learn a new lesson, *"that they have no concern with the laws, except to obey them"*. Their weight and influence in the community are annihilated, by the universal diffusion of terror, by the ponderous and iron hand of a gigantic military despotism. Government regards the multitude only as objects of taxation, or of fear; as brute animals, destined to be the natural prey of more powerful and ferocious beasts, the exciseman and the common soldier. The privileged castes turn their eyes on France, and learn to consider the multitude as their determined foes, as secret conspirators for the destruction of those privilegs, which, to them, are dearer than the salvation of the state. In thought, they behold all the sacred pales and barriers overthrown, by the rude and callous hands of peasants and mechanics, that fence in the hallowed walks and pleasure grounds, where spiritual pride and aristocratic insolence strut at large, untroubled and admired, and enjoy the distant homage of the profane vulgar. They communicate their alarms to government—they cry aloud that their Paradise being violated, their sacred groves

and high places being polluted and laid waste, and the idols of ancient worship being cast down; the next attack may be on the Holy of Holies! The rash irreverent hand of democratic reformation, may tear the awful and mysterious veil that covers majesty itself, when slumbering on the throne. They encourage government to schemes of coercion; they join in the work of oppression; they trample the people in the dust; they set their feet on their necks, conscious that were they suffered to rise, the moment of their resurrection may be the downfall of their oppressors. The rational and patriotic few stand at a distance, and contemplate the strange scene, in silent sorrow and amazement; doubtful whether the public lethargy, the deleterious *coma,* shall precede revolutionary convulsions, or placid dissolution.

If we examine the truth attentively, we shall find that a change of ministry is scarcely possible. The present managers have pursued such ruinous measures with so much obstinacy, and hurried the nation on to such a precipice, that their continuance in office must, in my opinion, be co-existent wth the present order of things. They have grown on royalty, like an enormous wen; they have drawn to themselves the strength and vital nourishment of that which they vitiate and deform; and should they now be cut off, a profuse hemorrhage, and mortal faintness, must follow their removal. They have, in fact, so perplexed, in the extreme, the state of Britain; so loaded her with debts and taxes so crippled her resources, and exasperated her enemies, that bold indeed must be the minister, foolishly fond of power, or weakly sanguine in his hopes of good, that, amidst the wreck of a sinking state, would venture to assume the helm. Melancholy and dangerous function! to preside at the downfall of a ruined nation.

It may be thought by some, that prudence should lead the present ministry to resign their dangerous pre-eminence, to withdraw themselves from a criminal responsibility, before destruction pounces upon them with the rapid pinion and strong talons of an eagle. They cannot do it; their consciousness of guilt, their sense of danger prevents them. They know and feel that punishment must follow resignation; that the people would then be roused from their trance, and call for vengeance on the authors of their misery, the deluders of their easy faith, with all the rage and enmity that succeed to ill-requited love, and confidence misplaced. Aware of this, the present ministry will cling to office, as their *palladium.* They know that continuance in power is their impunity; they will not leave this sanctuary; they will grasp the pillars of the temple. Sooner than they will suffer themselves to be driven or torn from their stations, they will shake those pillars to their foundation; they will overwhelm all orders of the state in a common ruin, and bury themselves in the disjointed fragments of the edifice.

The secession of the friends of the Constitution, from the two houses of Parliament, in each kingdom, does not seem to have made a sufficient impression on the public mind. In my opinion it is a most awful transaction; it is the last warning measure of despairing virtue. It should awaken the people; it should purge their eyes with *Euphrasy and rue,* that they may look attentively around them, and consider what dangers menace them from abroad; what resources they possess at home.

The principle and tendency of this secession, are not equivocal; it is a marked declaration by action, more strong than words, that the present subsisting forms, perverted as they now are, cannot suffice, for the salvation of the country.—Were the tendency and meaning of this secession in the least equivocal, then leaders of Opposition have not left the people to their own surmises and glosses on the text; they have spoken out, and explained as fully and explicity as it was possible, consistently with their own safety; they have told the people that they are reduced to a dilemma; that they have but one alternative, an alternative however, on which no freeborn spirit, no rational being can entertain a long deliberation.

The change of ministry, then, is an improbable event; suppose, however, that the propitious genius of *Britain* should predominate, and unexpectedly confide the reins of government to patriotic hands. You ask me, what benefits do I propose to *Ireland,* from such a change of men and measures in *Britain?* Though I might rejoice at such an

event, as a friend to suffering humanity; shall I frankly confess to you, I should not be very sanguine, in my expectations of particular benefit to *Ireland*. In the scale of a *British* minister, the little finger of *Britain* outweighs the whole body of *Ireland*. Place the most liberal, enlightened, and philanthropic man in *England*, at the head of administration; he will not be able to follow the dictates of his own wisdom and humanity; he will not be able to enlarge the *Irish* Cabinet, from the wizard circle of an *English* interest. The people, like a froward child, will expect to be humored; by the people, the popular minister will have been forced into office, and by them will he be retained in his situation; therefore, the interest, the caprice, the errors of a manufacturing town, or fishing village in *Britain*, will frequently have more influence, than the united voices of the *Irish* people. I will suppose the British Minister, not to be ensnared, by his ambition or his love of popularity; I will suppose his intention to be as pure, as possible, and accompany them, with power commensurate to his good dispositions; still he will think as an *Englishman*, he will not be able to divest himself of the passions and prejudices of an *Englishman;* and it cannot be dissembled, or concealed, that an *Inhabitant of the favoured Sovereign Island* learns, from his cradle, to hold *Ireland*, its natives, its genius, its utility and its interests, in the most sovereign contempt; add to this that the *British* Minister will not be able to see his way clearly before him; he will derive his knowledge of the country, its wants, its grievances, and its interests, from partial and fallacious reporters; from the aristocracy, and the hierarchy, from placemen and absentees. *Xenophon* tells us of a man, who supposed he had two souls, the one good, the other evil—we might be led to think, that certain eminent characters might have two souls, or two consciences; the one good for *England*, the other *evil for Ireland*. Thus the same person may be a patriot in *England*, an advocate for coercion in *Ireland*, strong in opposition in *England*, a firm supporter of government in *Ireland*. Doubtless, the present atrocious system of terror, would be relinquished, but, would the radical mischiefs, the solid original grievances of the country, be removed? I fear the just demands of the people would be evaded, temporary expedients would be adopted; the popular leaders would be tempted to relinquish their party, with situations of profit and honour, plausible and soothing language would be employed; concessions of small import would be made with a degree of weight, solemnity, and bustle, as if they were mighty matters; a flimsy parliamentary reform, that would skim and flutter, like a moth round the glaring surface of corruption; a peddling, unmeaning, insignificant profession of economy; a dismissal of flagitious characters, the authors and finishers of our misery, not to the just reward of their exertions, the gaol, the scaffold, and the gibbets, but to their villas and palaces, with pensions equal to the amount of their present emoluments, as if they had deserved praise and remuneration instead of execration and punishment from their country. Such would be the peace offerings of the new ministery, and the suffering nations would be loaded, with double burthens to purchase the presence and services of its supposed friends, and the absence and indolence of its avowed enemies. In short, while the nation was labouring under a disease that attacks the vitals, instead of a complete change of regimen, and a powerful course of alternatives and drastic medicines, miserable palliatives would be exhibited, which would only perpetuate disease, and divert the patient from pursuing the means of cure.

You ask my opinion, concerning the distance or proximity of peace with *France*. Peace with *France* is not near; if we may believe the declarations of the French government; if we may believe the conclusions of reason from a view of the apparent interests, and obvious policy of the *French* nation; or if we may believe the measure of their recalling to the ranks of their army, the young men of the first requisition. The maritime ambition and commercial usurpation of *Britain* are such, as must awaken the fears and jealousies of every nation, that aspires to exercise trade and manufactures, and her hostile aggressions, and plans of destruction have been such as must excite on the part of *France* a most rooted and deadly animosity.

But this age teems with surprising and unexpected events. Peace with France, though

an improbable event, may not therefore be remote. What would be the consequence of an accommodation between Rome and Carthage, with respect to the Island we inhabit? An Union. In *form*, a legal and constitutional incorporation; in *substance*, a conquest by force of arms. The scabbard is thrown away; the designs of the British Cabinet are announced, from the highest authorities; all the monstrous atrocities which plunge this country in confusion, and threaten to deluge it with blood, have been avowed, and justified in the great assembly of the sister kingdom; on the same plea of necessity, that was adduced for the use of blood-hounds against the *Maroons;* for the infamous traffic in human flesh; and for the barbarities that are exercised by British planters on their fellow-creatures of a different hue. Large sacrifices may be made to France; the pride of royalty may bow to the stern genius of democracy, and sue for peace; not, in mercy to mankind, but to gain a momentary respite from the pressure of war abroad, for the redoubled coercion, and merciless extinction of the champions of liberty at home. Then the military force that now overspreads the country, and fills it with outrage and devastation, will be augumented daily, with ferocious swarms, and undisciplined hungry hordes, breathing slaughter, and longing after confiscation; the vast poison plant of terror, that now overshadows the devoted land with its baleful branches shall blossom out into new forms of vigilant cruelty, remorseless fear, and inveterate barbarity, and drop on the deserted soil, wet with tears and blood beneath, anguish, mourning and dismay; famine, death, and depopulation.

MONTANUS.

The following letter to "Montanus" appeared in "The Press" of February 15, 1798:

SIR:

Instigated to a particular perusal of your 8th letter, by a publication which lately appeared in the Dublin Journal, *purporting* to be from "A Loyal Student of Trinity College", I have the satisfaction now to assure you of my hearty concurrence in, and perfect conviction of the truth of the sentiments you have professed. Sir, you have, if I mistake not, divided your subject into three parts, namely, the improbability of any change in the English Administration; the prospect of advantage to Ireland from that change if accomplished; and lastly the probable effects of peace with France, in producing a redress of grievances in Ireland.

The insufficiency of any of these measures, to produce that desirable object, a removal of the existing abuses in the executive government of Ireland, you have already demonstrated. But to consider the points singly. The removal of the present flagitious and corrupt ministry is, as you assert, a vain delusive hope; it is supposing that men, who from their station and consequent power have been enabled to practice every cruelty and injustice against the people, from whom that power is derived, who have aggrandized themselves and their adherents with the spoils wrung from the hands of industry, and the unsuspecting credulity of the people, who have sported with the sufferings and trampled on the rights of their country, that these very men, should be *resigning* their power, expose themselves to the just vengeance of the nation they have injured and oppressed. Sir, I agree with you that they will never do it; nay, more, should they even incline to do it, the interests of the monied men so closely connected with the present system of corruption, as you have fully shown, will never suffer them to effect that act of justice. But, Sir, the improbability, I had nearly said impossibility, of this ever happening, induces me to pass on to the second question, namely, the probable effects of this change of ministry on the affairs of Ireland; and here, will any unprejudiced man, will any Irishman say that an English minister, whose interest, the history of the country will show, has ever been to limit the commerce of Ireland, discountenance her manufacturies, and humble her spirit of independence; that a minister chosen by the English people and whose object we must suppose to be

popularity, will risk the loss of the affections of that people, by any concessions to a country, whose wants and dependence on them have ever been the chief source of their wealth and power; concessions which must by lessening those wants (I mean in a commercial sense, which I conceive to be the staple of either country) materially affect the interests of that people by whom they are supplied; but of what avail would these concessions be, supposing them granted, in redressing the radical grievances of this country?

"Concessions such as these are of little moment to the sum of things, unless it be to prove that the worst of men are sensible of the injuries they have done us, and perhaps to demonstrate to us the imminent danger of our situation. The mischief lies too deep to be cured by any remedy less than some great convulsion, which may either carry back the Constitution to its original principles, or utterly destroy it". I fully agree with you, that the most liberal and enlightened man in England would not be able, if chosen minister, to follow the dictates of his wisdom in redressing the wrongs of Ireland. Now, Sir, to the third and last question, namely, the probable effects of peace between England and France on the affairs of Ireland.

And here I must beg to say a few words. If we look into the history of this country, since the time of the conquest by Great Britain, we will find it has ever been the policy of the English Cabinet to make large promises whenever she wanted our assistance in the prosecution of her wars; but where shall we look for the accomplishment of any of her promises? Were we not, at the conclusion of the American war, promised a free trade? Did we obtain it *in the extent wished for?* No; after a few petty concessions, the popular voice was sunk, their leaders bribed and pensioned, and the question buried in oblivion. I will be told several restrictions were at that time taken off the commerce of Ireland, and that they did obtain a free trade—*in name.* The restrictions taken off were such as injured Ireland in the extreme, but did not benefit Great Britain—such as well became the English ministry to take off. But, Sir, it seems to be a necessary consequence, when a nation becomes so corrupt or enervated to give up her liberties, at the time she has the right to expect, and a power to enforce them; that she should become the dupe of her own folly, and sink in abject slavery, beneath those burdens she had not spirit to remove. Such, Sir, would be the consequences of an *unconditional* peace—unconditional with regard to the grievances of Ireland. Then would we experience redoubled coercion, and merciless extinction of the champions of liberty—for "violence and oppression at home can only be supported by treachery, and submission abroad". When the civil rights of the people are daringly invaded on one side, what have we to expect but that their political rights should be deserted and betrayed in the same proportion on the other. Thus, Sir, have I endeavoured to explain what seemed to me the purpose of your eighth letter.

As to the address of *thanks* you have received from a *loyal student of Trinity College* on the subject, I should incline to pass it over unregarded did it not contain many errors, which as I conceive I may rectify, I shall beg leave to notice them. You, as the orator of your party, have been accused of inconsistencies, which do not exist. And first, "you do *not* deplore the fate of Ireland on the conclusion of *a safe and honourable peace*, but you express your fears that on the conclusion of a peace, the interests of Ireland would be forsaken and neglected as they have ever been". Now, considering Ireland as the Ally in this war, I affirm that a peace in which her interests were neglected would be *neither safe nor honourable;* secondly you do not deny that a change of Ministry would *meliorate* the condition of Ireland; on the contrary, you say, "a resort to new men could not make us worse, it might perhaps snatch us from perdition". But you do say, that an English Minister, however liberal and well meaning, would be subject to error in his judgment of the state of this country, from the wrong information he would receive, if an English interest

continued to predominate in the Irish government, and thus unknowing the disease he would be *inefficient* to apply a remedy. Thirdly, you do *not* (if I conceive you right) assert the insufficiency of *any* reformation in Parliament; there is a wide difference between the reformation that Parliament is *capable* of, and the flimsy reform which an English Minister could, consistently with his political existence, make in favour of this country. But, fourthly, I know not where to look for the foundation of that assertion, that you deny "a redress of military grievances or a repeal to military law would be sufficient to restore the happiness of Ireland". Your words, I believe, are these, supposing a peace to have been effected: "Then the military force that now overspreads the country, and fills it with outrage and devastation will be augmented daily with ferocious swarms and undisciplined human hordes breathing slaughter and longing after confiscation". On the whole, there is not (in my opinion) any grounds for the mighty fears of our Loyal Student. He says he hopes the letter of MONTANUS, by disclosing the secrets of his heart, will make converts to the cause of Loyalty. I hope this simple explanation of the evident meaning of MONTANUS's letter as it must appear to every *disinterested* Man, will make a convert of him. I wish not for enemies. This is not a time to express a difference of Political opinion. No, we should all have one common cause, the welfare of our country; we should all unite, rally round her standard, and recover our Heaven-born rights, our liberties, from the grasp of Tyrannick Ministers.

A PATRIOTIC FRESHMAN.

Are then the wrongs of past times never to be forgotten in Ireland? Yes, when they are worthily remembered in England.

Aubrey De Vere.

A people without a language of its own is only half a nation.

Thomas Davis.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, FEBRUARY 17, 1798.—NO. 61

LETTER IX

I AM not the retainer of any party. I am not in habits of intimacy with the leaders of opposition; I do not write, as you well know, to answer any selfish purpose; unknown and obscure, retired from the busy scene, I look forward with anxiety, from the summits of my mountains; I see the clouds that settle on the plain, and involve the horizon, and tremble for the fate of my virtuous countrymen. It is now the time, when every good and prudent man must be induced to look abroad most attentively, and to endeavour from a consideration of men and things around him, to form to himself rules of conduct. I am too old to act; I am not too old to die, in the cause of my country; I contribute what I can to the public service, the speculations of an old man who has been long accustomed to view the fluctuation of public affairs, both in the recording page of history, and the tablet of his own memory and experience.

You wish me to consider what may be expected from the *Irish* opposition; from the men who formerly distinguished themselves in parliament. I have all possible respect for the talent and virtues of these gentlemen; I have witnessed their exertions in the senate, with enthusiastic admiration; but if I must deal frankly with you, I think all individual attachments and partialities ought to vanish, in the contemplation of a great public question. It has been a grand error of the people of *Ireland,* during a long series of years, that they have trusted too much to parliamentary leaders of opposition; too little to themselves; and what has been the consequence? The parliamentary leaders have too frequently wasted their strength on questions that gave a semblance of opposition, without laying the axe to the root of the abuses; cautious, lest they should establish precedents injurious to themselves, should they happen to come into power at a future day. Finances, tythes, public speculation, the collection of the revenue, the state of the people, public education, the means of encreasing the resources of the nation, some of these have passed unnoticed, others have been touched with a timid, and as it were, a reluctant hand.

Yet, I will not undervalue the labours of these distinguished men; their exertions, perhaps, were limited and unimportant, because the lights of the people were imperfect, and their expectations humble. The people have heretofore been fond, credulous, and easy to be duped, greedy of blandishment, but little studious of solid advantages: a few fair words that meant nothing, a few flimsy concessions, that gave no relief, disarmed their resentment; and all their wrongs were forgotten, their just claims were laid aside, and the loud and piercing voice of their complaints was hushed into whispers. The leaders of opposition, and ephemeral patriots of the day, who rose in succession, and gratified the public ear, were silenced by places and pensions, and the struggles of the multitude ended in the aggrandizement of certain political *condottieri,* and the increase of their own burthens. Such has hitherto been the history of *Irish* political exertions; it is to be feared, that were the people to pursue the same courses, the same fate might attend them; were they to confide themselves implicitly, as of old, to a few parliamentary leaders,

or known and accredited demagogues, taken from the ranks of aristocracy, or aspiring to be enrolled in them; it is possible, that these gentlemen might compromise the interests of the people; that having provided situations for themselves, and a few of their confidential adherents, from the popular mass, they might take the opportunity of a change of ministry, to capitulate on terms more advantageous to themselves, than to the public; terms which should relinquish the punishment of great offenders, and acquiesce in superficial reforms, and imperfect concessions, which would not come near the substance of the existing abuses, or reach the measure of the national grievances.

The days of weak and stammering infancy are now passed, the people are wiser and stronger, they have learned to express their wants, they no longer require leading-strings, they no longer catch at the hand of a leader, like children that walk alone. It is not a flowery speech, in all the hey-day of oratory; it is not a debate prolonged to morning, on a question that leads to nothing, that will satisfy the people; their thirst and hunger cannot be appeased, their tears cannot be dried, their wounds cannot be healed, the ravished charities of life cannot be restored by tropes and figures; the knowledge of the disease is the first step towards a cure; the people have that knowledge; they are disposed to probe the mischief to the bottom, to search, and if they can, to eradicate the unsound core. If the patriots of other times, and the old school, should enlarge their notions, and co-operate with the people, it will be well. A grateful nation may profit by their talents and their memory shall be embalmed in the praises of posterity; should they be disposed to halt by the way, and to rest in half measures, the people may not think their judgment definitive, their presence and society, indispensably requisite; they may press forward without them; the people will not lean on a broken reed that would only pierce their hand. It is truly said in holy writ—*"he that is not with me, is against me"*, —the people feel that saying in *their heart of hearts,* if the men who have heretofore acquired popular fame and consequence, seek to preserve their name and station, let them pledge themselves unequivocally; let them stand firm in the patriotic ranks, and vindicate the honour and interests of their country.

So much for the aristocracy of the country. You enquire my opinion of the remaining mass of the nobility and gentry of *Ireland* in general, and considered as an aggregate, having common interests, and acting by common rules of conduct. I shall speak with frankness. I consider the *privileged castes,* or superior classes, as they affect to call themselves, in a light of criminality. They have a severe account to settle with their country. To them may justly be imputed all the national calamities, which might have been prevented by their interference. Their connivance on the one hand, emboldened government to acts of aggression, on the other; their desertion and apathy drove the peasantry to desperation. These people have endeavoured to insulate themselves in their own country, intent only on the enjoyment of luxurious indulgence, or the schemes of profit and ambition. They have affected to ridicule the people and their exertions; they have given currency to the calumnies against the popular cause; they have taken possession of the cry of fashion, and discredited public virtue; they have made a disregard to the interests of a nation, and a disclaimer of political principles, the test of superior intelligence, and the criterion of elevated ranks. Their tergiversation was most critical, and fatal in its effects. To it we may ascribe all the horrors and outrages of which this miserable country has been the bloody scene. There was a particular juncture, when the present administration seemed to be panic-struck, and under the terror of the moment, wished to assume the semblance of liberality and patriotic feeling. But the aristocracy, at this very crisis, came forward to prevent the pacification of their country; and by promises of unconditional support, emboldened government to persist in steady opposition to the popular sentiment.

You ask me what I suppose to be the meaning and object of the people? I

answer, they feel that they have been deprived of the blessings of the *English* constitution; that they have been made the slaves of a cruel and outrageous military despotism—and they demand *atonement for the past, and security for the future.* It has been said, it is the commonplace declamation of a corrupt aristocracy, and of the profligate retainers of administration, "that the aims of the people are plunder and anarchy, that the foes of civil order, the avowed opponents of all regular government, are incapable of that rational freedom which must ever be accompanied with moral institutions and legal restraints". Base and malignant calumny, and futile as malignant! The lower classes of the people in this country are the fairest subjects for the operation of a free constitution. They are not enervated by sloth, or depraved by luxury; they possess uncommon benignity of disposition. The individuals of our people, in every country but their own, display uncommon courage, industry, and talent; and the nation, were it not degraded by an inferior political situation and provincial relations, and deprest by the unrelenting operation of a malignant and jealous government, would, I am persuaded, display an energy of character capable of the greatest and noblest exertions.

The foes of *Ireland* walk about, in open day, with a brow of insult. They roll about in gilded state, and insult the wretchedness and beggary of a plundered province, by their costly pageantry and profuse expence; the tears and despair of a season of public mourning, and unexampled calamity, with noisy revels and Asiatic luxury. The people behold all this, with folded arms, in dumb and sorrowful resignation—and shall they be called ungovernable, sanguinary and ferocious? No; consider the provocations of the times and you will own that the great mass of the people, with few exceptions, have shown the passive fortitude of a stoic; that their patient forbearance and wise long-suffering, fully refute the slanders of the iron-handed oppressors, and their envenomed accomplices.

You ask me, what are the resources of the people. I answer, they are great; their patience, their fortitude, their numbers, their perseverance, and above all, the reasonableness and the justice of their claims. If the people persist in their demands, with temper, unanimity, and firmness; if they are not discouraged, by difficulties and dangers, and above all, if they are not irritated to madness, and disgraceful reprisals of individual outrage, by daily exhibitions of diabolical cruelty; their cause is the just and righteous cause; and, if we do not question a superintending good providence, we must be persuaded that it shall finally prevail.

You enquire, in what manner the people are to employ their resources; by what operations are they to advance towards their great objects—Relief, from the present evils; and some constitutional share of Freedom. I cannot answer this enquiry; the attempt would bewilder me in a boundless field of discussion. Two peaceable and constitutional modes of proceeding will suggest themselves to the prudence of every man, in these days of fiery ordeal. UNION, with the good, and SEPARATION from the wicked and misguided; for certainly these are times in which all men of liberal and patriotic minds are threatened with common destruction, and ought to be United amongst themselves, by the sense of common danger. All friends of liberty, all lovers of their native country, have the same objects in view, and should endeavour to understand, and communicate with each other; and to pursue those objects, by united efforts, and harmonized and according measures.

The utility of separation is equal, but less apparent. When the closest ties of social life are broken and perverted, and the intercourse of man and man is filled with treachery, it is necessary for people to conform and adapt themselves to the new order of things; to beware of false brethren, and to shun and discourage those who are active and zealous in the support and dissemination of pernitious principles. This conduct will answer two good ends—it will withdraw from the rage of vindictive prosecution, from the danger of misrepresentation, and the villainous industry of spies and informers, the honest and patriotic part of the community; who, in the

integrity of their hearts and in moments of unguarded zeal, might put themselves into the power of the emissaries of a jealous government. In the next place, such a conduct may contribute to enforce the law of reputation, one of the most powerful restraints on the conduct of unprincipled men. The champion of abuses, the zealot of oppression, the murderer of the peasantry, and the incendiary of the midnight hour, detested, shunned, and marked out for reprobation, will, at length, feel that the agonizing sense of deserved infamy, and the rending stripes of a conscious and guilty mind, equal any torture that their inventive cruelty has devised for their fellow-citizens.

MONTANUS.

There are no rich men in the congested districts. There is no one to help or to maintain the unfortunate. Beyond a few officials, schoolmasters and constables, the village shop-keepers and the clergy, who live the lives of the people, there is no one to be seen except the poor and the destitute. On every hand one finds misery.

Dubois, L'Irlande Cotemporaire, Tr. Kettle.

In 1800, rather than emancipate the Catholics and make one nation of the two Irelands, they threw themselves into the arms of England and sold the Irish Parliament for gold and parchment. They have never been able to cure themselves of egotistic blindness or to merge their own interests in the public weal. . . . A sad ending, especially when compared to that of the old Irish aristocracy, which under Cromwell and William III remained faithful to its country and to its race and even to the Stuarts, who betrayed it—which allowed itself to be dispossessed and exterminated . . . and lost all but honour. . . . The modern oligarchy is dying without one fine phrase or noble gesture; amid the hatred of some and the contempt of others, but without evoking a single regret or lament.

Dubois, Tr. Kettle.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, MARCH 1ST, 1798

LETTER X

TO THE ARISTOCRACY OF IRELAND:

The neighbourhood of a volcano is cultivated, and inhabited. The thoughtless peasant does not reflect, that in a moment the dreadful crater may discharge its contents; that suffocating clouds of ashes may descend on his head; that impetuous torrents of flaming lava may devour the labour of his hands. Infatuated, unhappy man! He has perished before he can feel and estimate his danger. Such is the situation of the aristocratic order in this country. They will not awake, they fold their arms in desperate insensibility; or only stretch them abroad, to crush the poor, the ingenious, or the patriotic citizen. They think they may, with safety, desert their rank in society, abandon their tenantry and their countrymen, to the relentless fury of their worst enemies. They fondly flatter themselves, that if they should think the cause of the people, not the better, but the most successful, and in the abundance of their condescension, deign to join the popular ranks, that it will be always competent to them, to resume the station that they had wantonly and wickedly deserted. That they will be received with open arms, ushered into the pale of patriotism, with *io pæans* invested with the power of the rod and wreath and seated in the place of distinguished pre-eminence. Mistaken men, how miserably are you deluded by your own vanity and self-importance! how fallen in your estimate of your own value! how erroneous in your estimate of the weight and influence which should be ascribed to title, birth and riches!

Female honour once lost, can never be retrieved. The tenure of woman in the public esteem is forfeited by the first offence; she falls like *Lucifer*, to rise no more. The aristocracy, who if they have not prompted, and shared in the atrocities of an infuriate government, or even abetted them openly, by their countenance and approbation, have at least, through cowardly caution, and criminal supineness, remained tame and passive spectators of outrage and barbarity, disgraceful to human nature; will find that it is easy to forfeit a fair fame, a commanding situation, and honorable influence in society, *facilis decensus Averni;* but that, to retrieve the respectability and public esteem, which have been strained or lost, by meanness, duplicity, selfishness, or cowardice, to regain the affections and confidence of the people, which have been alienated, and changed to their contraries, by coldness, deception, and desertion—*hoc opus, hic labor.* The people are awakened to think of themselves, the childhood years of implicit confidence are past. Men require more solid proofs of re-

gard to their interests than mere words or unmeaning blandishments. They scrutinize the conduct of their avowed enemies, and pretended friends, with the piercing eyes of jealous strictness.

Thus have the aristocracy of Ireland lost a glorious golden opportunity. They have deserted the cause of their country, and deserted themselves. You saw the horizon involved; you saw the black clouds rolled together. They descended to earth; the destroying genius came forth. You saw him on his way; you might have arrested his march. The people looked to you, with anxious and trembling hope; they cried to you for aid; they thought then, that their destiny was in your hands—in your hands it was to a certain degree; you might have healed the wounds of the constitution; you might have prevented the calamities of the people, the barbarities, the opprobrium, and impotent rage of administration; you might have rescued the nation from misery—government from hatred, yourselves from disgrace and contempt. By a studied separation from the people, you have taught them to cement and consolidate their Union with each other; to confide only in themselves, and to draw resources from the bosom of despair.

Should the haughty aristocracy find leisure and condescension, to parley with the people; how can they explain this conduct, which seems so inexplicable to common understanding? They will say, perhaps, that they marked the levelling fury of government confounding all degrees and shades of opposition, and dissembled their regard to the people, lest they should incur the charge of disaffection. They prudently abstained from attempting the redress of real grievances, lest they should augment the disorders of the turbulent, by their countenance, and appear the patrons of factious complaint. This justification must be held good; if false shame and timidity are a sufficient excuse for criminal conduct. Will the aristocracy attempt to excuse their desertion, by calumniating the people? "The peasantry of Ireland (they will say) are slow to labour, and prompt to tumult, drunken, dishonest, deceitful, and disaffected". Thus have I sometimes heard proud aristocracy describe the poor people of this island—a half-starved wretched tribe, trampled into the very earth they cultivate. How false and injurious is such language? The peasantry of Ireland were kind and open in their dispositions, capable of great exertions of active industry, and disposed to be humble and respectful to their superiors, until they were goaded to resistance, by a long continuance of misery unredressed and insulted. Their virtues are all their own, without much aid from example or encouragement. Their faults are the faults of their political situation, and government.

The desertion and separation of the aristocracy, from the mass of the people, at a moment when the latter seem to be in danger of some collision with the government, is ungenerous, ungrateful, and unwise in the extreme. In no country did the aristocracy hold a more pre-eminent rank, or possess more extensive influence; in no country were the tenantry and peasants more warmly attached to their landlords, and to the superior orders resident among them. Indeed, they carried this principle to a faulty and foolish excess. They cultivated, and even worshipped, with a sort of blind devotion, and implicit faith, the men of honourable descent, and the ancient proprietors of land. This temper and disposition of the lower classes, happily improved and directed, at this fatal juncture, by the higher ranks in the country, (which might have been accomplished by zeal to redress grievances on the one hand, and firmness, to repress disorder on the other) would certainly, have produced the most salutary consequences. But, alas, the aristocracy of Ireland, seemed industrious to repulse and alienate the affections of the poor people, that loved and would have followed them. Instead of protecting the persons and properties of their tenants, dependants, and labourers, whom they were bound by every motive of duty and of interest to preserve and vindicate from outrage and wrong, with a paternal care, those who call and think themselves, *the great men of Ireland,* have become modern *Nimrods,* mighty hunters before the Lord, and cheered with the sound of the infernal Bugle, pursued their fellow creatures, even to the death; or remained passive spectators

of enormities, which present on every side, such appearances as if an invading and exasperated army of ferocious *GOTHS* and *VANDALS*, had past, in blood and desolation, over this miserable and groaning land.

When a murder is committed, the law imputes criminality to all those who are present, because it is their duty to interfere, and prevent the perpetration of the horrid deed; so dear, in the eye of the legislature, is the existence of the human individual. Weak and blinded aristocracy, can you suppose that when the constitution is assassinated, when your country is mangled, and lies weltering in her blood, expiring under the stroke of the venal murderer, that you shall be clear of guilt? Dare you hope for impunity, you who have been passive witnesses of execrable enormities, and abetted by your presence, your silence, and your forbearance, the murders of thousands? By the law, the person who knows of a treason, and though no party or consenter to it, in convenient time, is guilty of misprision of treason, and liable to severe punishment. There may be treasons against the people, as well as against the government; and the citizen, who not only knows of treasons committeed against the parent society, to which he owes duty and allegiance, but wilfully withholds that interference which might have prevented them, is guilty of worse than misprision of treason against his native land. I speak to those who rely much on the negative merit of having forborne to plunge the sword, with their own hands, into the bowels of their country, for a justification at the great day of solemn and final inquest. There are sins of *omission*, as well as of *commission*.

Men of the Aristocracy, your country sees that your interference would have prevented the proclamation of districts; the transportation of the innocent with the guilty, unjudged, unheard; the living sepulture of crowds of the most useful and virtuous members of the community for weary months in pestilential dungeons. It sees that you are justly chargeable with all those evils, the prevention of which was in your power; that the want of interference implicates you as accessories. It seems to be manifest that no good, no humane man, would have been a tame and silent spectator of the horrors that have been acted and suffered in this country during the last two years. That no prudent or discerning man could have expected, or can expect, the final success or the long continuance of the reign of terror. Are there not then, a most brutal insensibility and childish folly in the man, who resigns himself to slothful indulgence and sensual pleasure, while all forms of misery teem around him, and all the elements and foundations of the present establishment are convulsed and shaken to their centre? You have greatly sinned against your country, yet not beyond a probability of pardon and redemption; you have greatly sinned against prudence, men of the Aristocracy.

To you I speak, ye moderate and humane men of the Aristocracy, who have not, with your own hands, inflicted torture on the miserable peasant who have not hewed him in pieces with your sabres, or actually applied the torch to the humble roof of his cottage. You have not been performers in these tragedies; yet ask your conscious hearts, were you present when these things were acted? Have you consorted with the fiends in human form, that acted them? Have you admitted them to your house, and to your board? Have the cries of pain, despair, and anguish, the groans of death reached you? Have they sounded in your ears, yet failed to interrupt your drunken orgies, or call you from the gaming tables? The flames of burning villages glared on your banqueting-rooms; did you startle at their dismal light? Did you suspend the riot of luxury and expence? Did you hasten to rescue the sufferers from ruin? No—your interefence would have prevented all these infamous scenes that have exceeded the invention of past monsters in cruelty, and shall be recorded, never to be forgotten in the crowded annals of relentless and despotic barbarity. You might by a calm and manly interference have prevented them, but you betrayed the people; your desertion was a condemnation of their cause, your silence and acquiescense a justification of their oppressors.

I do not speak to the ferocious abettors of the present system. I do not speak to the wretched things without principle, property, character, or standing in the country; who, whether arrayed in black or red, whether military subalterns, curates, or attornies,

have obtruded themselves into the magistracy, and opened shops of outrage, licensed by authority of government, to trade in blood. I do not speak to those traitors of superior rank, who possess the ear, or immediately assist, in the counsels of our present rulers, and to whose fatal and virulent suggestions, we must ascribe much of our present misery. But, should I meet with a man, who not only professes, but sincerely feels an attachment to freedom, and a regard to the interests of his country, to him would I say—"Lay your hand upon your heart, have courage to open your eyes to the prospect before you; hold a council within your breast, and venture to think and decide for yourself". What further lights can you expect? Have you not sufficient experience of the system of coercion? Can you any longer be doubtful of its efficacy? We are told from high authority, in a paper published by the government at our expense, that the bayonet is sharpened for the people. We do not question the assertion—What should be your conduct at such a juncture? Suppose this sharpened bayonet should be drawn, to be sheathed no more, except in the bowels of the guiltless and the poor, will you stand aloof? Suppose it should be necessary for you at length to decide and join, either the sufferer or his tyrant, will you not weigh the contending claims, and decide which party most justly claims your concurrence? Have you asked yourself whether it is possible to persevere in your system of neutralized politics? The people are awake, they know their rights, they are determined to be free, they are confident in the means of asserting their freedom. Ignorant and incapable men, intoxicated with the fumes of blood, and blind with rage, despise, or affect to despise, the feelings, the wishes, and the efforts of the *Irish* nation; they dream of wielding, for ever, the rod of iron; they dream of riveting our chains, to be loosed no more; they dream of coercing, or exterminating four millions of rational creatures, panting after Liberty, with a handful of miserable mercenaries. Will you adhere to these wicked infatuated creatures in their weak and wild attempt? Believe me, your existence is not inseparable from the salvation of the state. If you fall, you may not draw the people along with you into the vast abyss. For your own sakes, I labour to warn, to rouse you to a sense of danger. Would you perish, the victims of an hateful and flagitious system, and its unprincipled and self-devoted managers?

Men of the Aristocracy, think not to pursue the interested and unworthy part, of encamping on an eminence, and resting on your arms, during the dreadful conflict of contending parties, with the impartial and selfish design of descending into the plain, to join and felicitate the victors. You wll not be allowed to remain neuter; no, the time of temporizing is nearly spent; pass a few moments, and you will be imperiously driven to make an option, which can never be recalled. Loaded with crimes, shrinking from punishment, trembling at dangers, the authors of our calamities will endeavour to secure themselves by the multitude of their accomplices; they will try to stain you with blood, that you may not be distinguished from them; they will, if possible, implicate you in their guilt. Make then at once, freely and manfully, without further evasion or dissimulation, that choice which cannot be long deferred, and add the merit of free will to a virtuous and honourable concurrence with the patriotic labours of those who are determined to save their country, or perish in the attempt.

But, suppose it were practicable for you to insulate yourselves, and preserve an unprincipled and unfeeling neutrality, amidst the distresses, the dangers, and combats of your country, consider in time, will the remainder of your plan be feasible? How will you be received by the victorious party? By joining neither party in the moment of doubt and danger, you will exasperate both. What assurance have you, unworthy men, whose property is your conscience, whose private interest is your God, that you shall be received, and tolerated by the victors? You will then be unnecessary to them; they will have borne the burthen and heat of the day; the utmost you can hope from them is forgiveness of the past and oblivion in the future; as you will join their ranks without affection, you cannot expect much regard from them in return; as you shall not have rendered them any services, you

cannot advance any strong claims on their gratitude; they will not, they cannot prove blind to your motives for joining them—the Champions of Freedom well know, and feel, that, had the event of a struggle been different, you would have joined, with equal alacrity, the enemies who had sworn their destruction, and co-operated in the final extermination of those with whom you are now ambitious to chant the songs of triumph, and to share the rewards of victory. Your opposition cannot avert or delay the great event; but your concurrence may facilitate its completion. Your timely retreat will intimidate the foes of public good; the prevailing unanimity of all ranks of men, who will appal their guilty hearts; they will relinquish the unavailing contest in despair. Thus shall you spare to your country many a painful struggle, and many a scene of suffering and woe, most agonizing to human nature; and at the same time you will check and moderate the fiery ardour of honest zeal; you will temper and methodize the exertions of the people; the oil of polished manners and cultivated intellect, may smooth and assuage in some degree the troubled waves of that thrilling and agitated element, which now rises and swells, to dash and bear away the corruptions of the state. Once more, then, I warn, I conjure you, sons of Aristocracy, awake. .. MONTANUS.

A mockery of Irish independence is not what we want.

Thomas Davis.

Every attempt to govern Ireland has been made from an English standpoint and as if for the benefit of Englishmen alone.

LETTERS FROM THE MOUNTAINS

ISSUED BY "THE PRESS", DUBLIN, MARCH 11, 1798.—NO. 67

LETTER XI

TO THE ARISTOCRACY OF IRELAND:

Should the pride of aristocracy deign to listen to the voice of an humble and sequestered individual, without any other patronage or recommendation, than sincerity and good intention; should the great, the opulent, and the aspiring of this country turn aside for a moment, from the career of luxury and ambition, I should humbly solicit their attention to the choice of difficulties, on which they be called to determine at a future crisis.

Every lover of peace, every friend to his country and to human nature, must recoil with sorrow and dismay from the prospect of civil commotion; must deprecate, with fervent prayers, such a calamitous juncture, such a tremendous operation of physical and moral causes, such a perverse and fatal disposition of men and things, as should drive an oppressed and outraged people to an open collision with the constituted authorities. Far, far distant be such a conflict, as may prostrate, to rise no more, all that for ages has been the object of homage and admiration! We must hope that such an event is not probable; yet surely it is within the range of possibilities. A prudent man will prepare himself, even for events that are merely possible. He will learn to anticipate remote consequences, and arm his mind by meditation, and a knowledge of the truth, against the sudden effect of hazardous and unfortunate contingencies. He will not leave his future conduct to be the sport of blind chance. He will be prepared to act from himself. He will not flatter himself, that because it is not likely that an event may happen, therefore it must be certain that it shall not happen. He will recollect, that it is always the fate of the confusion of intellect, incident to surprize and terror to adopt the most pernicious measures, and pursue the most ruinous line of conduct. He will therefore while danger is yet at a distance, while reason is yet calm and untroubled, consider and weigh the possibilities which lie in the womb of time; that he may not be found perturbed and irresolute when a trying and difficult juncture shall come upon him suddenly, like a thief in the night.

I will now suppose, merely for the sake of argument, that you should, at length, be driven from the stronghold of a cautious neutrality. The momentous option is inevitable. You are irresistibly called to give an account of the faith which is in you. No trifling, no prevarication will avail; an open avowal of principle is requisite, the contending parties are at issue. You must join the people in their exertions for present relief and future security, or strengthen the hands of their enemies by direct co-operation. What shall be your resolve? Think not to look back, having once *put your hands to the plough!*

Men of the aristocracy, let me speak to your interests and your avarice, if I may not engage your pride or your patriotism. The calamity and degradation of your country, and even the loss of personal weight and influence might be patiently borne by the selfish and the sordid; but, consider, I conjure you, the violent change of property you must endure, by the final subjugation and ruin of your country,

or even, by the long continuance of the present terrific system of coercion. The depopulation of Ireland, the annihilation of arts and manufactures, and the consequent decay of agriculture, must reduce the value of these possessions, to which you are so fondly attached, by a great, and to you most painful defalcation; every man who possesses a portion of the soil must find himself interested in the freedom of the country, inasmuch as the encrease of national prosperity must be an improvement of private property. If then you wish to retain that opulence, from which is derived your chief importance, you should wish for the establishment of freedom, and a reform in the abuses of government.

If you are awake to the charms of social intercourse you must have learned that to a full and perfect enjoyment of society, and a safe and free communication of thought; freedom and good government are essential requisites. He must be dull indeed, who has not learned this under the reign of terror. Are you disposed to indulge in mental gratifications, and the luxury of fine arts; you will please to recollect, that all the exertions of genius flourish most in the sunshine of a free constitution.

I think the present system of coercive measures too violent for a long duration. A dreadful and most powerful engine has been set in motion; it must gain an impetus that will render it unmanageable by the puny strength of the first movers. Perhaps it may recoil, with a retrograde momentum, and involve them in destruction. Suppose, however, (contrary to all reasoning and calculation) that the organization of terror should continue, and the people should be finally depressed, to rise no more. Men of the aristocracy, what is your prospect? The country depopulated by the wasting sword, by the deportation or voluntary exile of those who can find means of removing themselves from this gloomy house of bondage—hope extinguished—a night of gross ignorance and deep despair overwhelming and stifling all exertion by her leaden influence—all public spirit vanished, and lost—trade stagnant —manufactures neglected—agriculture suspended—the country waste and barren—the cities and towns neglected and desolate. Do you wish to reign, in sullen dignity, the severe and odious tyrants of a squalid, slavish, desponding vassalage? Do you wish for improvements in despotism, new laws of coercion, new statutes that outrage human nature? Would you introduce new military rigours? if it indeed be possible to add to those we have already felt? Would you augment the sufferings of the people, if it be possible to aggravate their present misery? The country is but a province of England, in substance, though independent in name. Would you wish to see it still more degraded, and erased from the table and scale of nations, by an *Union*, dictated in the pride, the selfishness, or the vengeance of the British Cabinet, and enforced at the point of the bayonet?

What could the aristocracy of Ireland expect from an union? This country would be a place of arms; or a colony, the residence of mere mechanics, excise officers, factors, and brokers. The latter would be her highest prospect; let us suppose, (contrary to probability) that, notwithstanding the open attacks, and secret machinations of the *great Republic;* the commerce of *Britain* may still flourish, and that *Ireland* shall be admitted to a fair and free participation in that commerce. Yet, men of the aristocracy, your influence, your dignity and importance, which are reflected back on you from the nominal independence and some free forms of government in the country—all this must be relinquished. Every man of opulence, of talent, or of liberal spirit; every votary of ambition, of pleasure, or of independence, will fly the land. The deserted seats of the ancient aristocracy will be dismantled; the tithe farmer, and the tax-gatherer will reign paramount over the soil, and domineer among the people.

Suppose the trade of England curtailed or annihilated; her resources wasted; her power and influence deprest; you must sink in her downfall; and you will want even the poor and sordid consolation of seeing that the chains, the galling chains,

with which you are loaded, are gilded by commerce. What shall *Ireland*, then, become? A nursery, a draw-farm of men and beasts, for the use and accomodation of *England;* an immense pasturage, an universal barrack. For, as the union will have been established by force, by force it must be maintained, until inveterate habits of submission and despondency, and the gradual depopulation of the island, shall have broken down and tamed the wretched reliques of the people, of what once *was Ireland*, to crouch and fawn under the lash, and lick the feet of their masters, without a murmur.

Will you say, that this picture of the consequences, which await a perseverance in the present system, is overcharged, or exaggerated? No, I feel, I confess my inability. My hand is not sufficiently steady, to design. I cannot find such sombre colouring as may express the future horrors to which we must be a prey, if that administration shall continue, which prides itself in a rigour beyond the law; whose secret prompters are fear and cruelty; whose safety lies in the sword and the bayonet; whose best principle of justice is sanguinary revenge.

It may be said, and I doubt not, that some among you are so weak as to make it the ultimate scope of their fond expectation; it may be said, that through the representations of some of your leaders, the present system of terror may be relinquished, or alleviated; the stern and menacing brow of coercion may be smoothed; the waters of bitterness may subside; and the streams of government may flow in their accustomed channels with smooth and placid windings; bathing, as they pass, the rich and fruitful shores of mild and plausible corruption. Is this the *consummation so devoutly to be wished?* Our fetters may be lined with wool—Some links may be added to our chains, so that we shall walk about and fancy that we enjoy liberty. The peasant may be allowed to eat his scanty vegetable meal, without the certainty of being interrupted by the cry and the chace of hell hounds. He may quench his thirst at the mountain spring, it shall now be defecated; it shall flow clear; it shall no longer be perturbed with the blood of his brethren. He may lie down to rest on his bed of straw; he shall not be afraid that it may blaze before morning with the torch of the assasins. Mighty concessions doubtless, happy state of peace and security! but will these benefits, be they what they may, will they be permanent, or of a temporary nature? Shall we receive them as a debt, or a gratuity? Must we ascribe them to constitution or to regulation? Shall the peace-offerings to the people be the produce of solid, stable reformation, or the result of policy, of terror, or of abundant condescension, in our sovereign rulers?

Meantime, what shall be the political situation, what the national character of the people? The same gross atmosphere of a provincial government, and of a viceregal court, *managing* rather than *ruling* by influence, that now tarnishes the lustre of virtue, and interrupts the views of wisdom, contaminating every thing that approaches them with the spirit of venal pride and selfish meanness, shall continue to inspire premature duplicity and cold-blooded artifice in youth; bold rapacity and shameless irreverend profligacy in old age. The confidential servants of administration in Ireland were not afraid to make the desperate and impolitic avowal, not only that they practiced corruption, but that they did so on principle; and must continue to employ it as the necessary support and engine of government in this country. An avowal that set at defiance all present complaint and remonstrance, and cut off every hope of future reformation. It is easy to see what baneful effects must follow from the example and influence of a government, acting on corruption, and avowing the principles without shame or compunction. What a general depravation of morals must be the consequence; how the genius of venality and prostitution, undulating from the court, must communicate its movements through the whole expanse of the community, and impel the fluctuating mass to evil. Hence, may we account for the general prevalence of indirect motives, of self-interest, of party, of solicitation and cabal in every transaction that respects the public; from the mean and paltry

jobbing of a grand jury, or a corporate meeting, to the great and ruinous delinquency of a legislative assembly.

A radical change then of men and measures, is requisite, not only to the comfort and security of the people, but to their morality. A reform in the political situation of the people, would produce a virtuous alteration in their sentiments and characters. The minds of too many among us, particularly of the aristocracy, chiefly through the influence, as I have said, of a corrupt government, have been warped and deformed by an inveterate selfishness, a sordid cunning, a crooked policy. Openness of heart and integrity of dealing have been reprobated as folly. Every one affects to be a man of the world and a politician, and derides an avowal of patriotic sentiments, a preference of public good, to private emolument; as the silly romance of youth and inexperience, or the clumsy cant of superficial hypocrisy. The prevalence of freedom will introduce new ideas, new views of things, new estimates of human action. The groveling nature will be exalted, the narrow disposition will be expanded. Man will learn to set less value on external things, and more value on himself; his nature will be ennobled and purified with the constitution of his government.

Suppose the exertions of the people to obtain redress of their grievances, and correct the abuses of the constitution, crowned with success; freedom, with security in her train, will diffuse a firmness of mind, an alacrity of spirit, capable of greater efforts of industry and ingenuity, than have heretofore been known in this country. The native virtues of the people will be developed, by a wise and just government. All their corporeal and mental energies will be put in rquisition. The man of industry will expect to reap the fruit of his labours. He will not fear lest it should be ravished from him by the harpy hand of a profligate and rapacious government. The man of genius, secure in the protection of the law, will unfold his talents, and be excited to distinguish himself, by a moral assurance, that he shall occupy a place in society, and a share of the public esteem, adequate to his deserts. He will no longer fear the cruel timidity, and persecuting jealousy of despotism and misrule; ever shrinking from the glance of wisdom, ever fearful of the investigation of learning, or the sallies of genius. He will no longer find himself depressed and undervalued, by the contemptuous arrogance of the titled Castes; by the self-important inanity of high birth, or the stupid insolence of bloated riches.

In those happy times, when there shall be no leading into captivity, no mourning or complaining, in our streets; no massacres or conflagrations in our fields; the vallies shall be made to laugh and sing; the plains shall be clothed with verdure, and filled with the wealth of rural abundance, by cheerful labour of the happy peasant. Society shall no longer be empoisoned with mutual fear and suspicion; men shall no longer be taught to hold each other cheap, by daily instances of treachery and baseness; they shall no longer sacrifice all ties, all attachments, in blind devotion of fear or venality, to a wretched relentless government. A frankness of manners, an elevation of sentiment, will add new charms to society; new bonds of attachments, and friendship to individuals. Such might the situation of Ireland be rendered. Men of the Aristocracy, will you prefer the reign of terror?

Suppose the guardian angel of the land were to appear, in a corporeal form; and reason with her degenerate children.—"Unworthy and unfeeling men, by your supine negligence, you have suffered this convulsed and agonizing state, to be hurried to the verge of a precipice. It has escaped the dreadful ruin: your criminality may be forgotten. Your country stretches out her arms, to embrace you.—Do not reject the invitation, it will not be repeated. Heaven, that, by means inscrutable to mortals, prepares the way to great events, and makes the vices, the follies, the unruly passions, the crimes of men, finally productive of the most happy effects, even now is conducting, through the maze of guilt, through the tangled labyrinths of perverse and crooked policy, the patient steps, and steady march of freedom. The day-spring from on high has visited us. The morning dawns apace. Let not approaching light detect you among the parricidal bands of those who have betrayed their country".

MONTANUS.

All parties wish for Home Rule. . . . They agree substantially as to the present needs of Ireland. There should be nothing to prevent them agreeing on a common platform, which would bind them together for the common good of the country, till the country itself should speak in such a manner as to command the allegiance of all.
Irish Freedom, Dublin, April, 1914.

Note VIII

(See Vol. I—Page 252; 262)

MEMOIR,

OR, DETAILED STATEMENT OF THE ORIGIN AND PROGRESS

OF THE IRISH UNION:

[THE SOCIETY OF UNITED IRISHMEN]

Delivered to the Irish Government

BY

MESSRS. EMMET, O'CONNOR, AND MACNEVEN,

August, the 4th, 1798.

According to Family tradition, from the pen of

T. A. EMMET,

And the Statement of Dr. Macneven that it was Written After the Views of the Author had been Discussed at Length by the Committee, and that Mr. O'Connor Wrote no Portion of It.

Bravely hope and wisely wait,
Toil, join, and educate—
Man is master of his fate.
Let us our purpose bide,
God is on the righteous side,
We'll have our own again.

Thomas Davis.

We have no interests separate from those of our Protestant fellow-countrymen. They are equally with ourselves interested in maintaining the honour and promoting the prosperity. And yet. . . . many of the Protestants of Ireland have hitherto abstained from identifying themselves with us under the apprehension that the motive with which repeal has been sought so earnestly by the Catholic leaders, clergy, and population, has been to establish a Catholic ascendancy in Ireland. There are amongst the Catholics of Ireland multitudes who would risk everything they hold most dear in the struggle to prevent the existence of such an ascendancy, and therefore to indulge such alarms is not only to distrust their own manhood, but also to commit grievous injustice toward a great majority of their Roman Catholic fellow-countrymen.

William Smith O'Brien.

While England lives and flourishes Ireland must die a daily death and suffer an endless martyrdom.

John Mitchel.

MEMOIR,

Or, Detailed Statement of the Origin and Progress of the Irish Union:

Delivered to the Irish Government

By Messrs. Emmet, O'Connor, and Macneven,

August, the 4th, 1798.

The disunion that had long existed between the Catholics and Protestants of Ireland, particularly those of the Presbyterian religion, was found by experience to be so great an obstacle to the obtaining a reform in parliament, on any thing of just and popular principles, that some persons, equally friendly to that measure and to religious toleration, conceived the idea of uniting both sects in pursuance of the same object—a repeal of the penal laws, and a reform, including in itself an extension of the right of suffrage to the Catholic.

From this originated the societies of the United Irishmen in the end of the year 1791; even then it was clearly perceived that the chief support of the borough interest in Ireland was the weight of English influence; but as yet that obvious remark had not led the minds of the reformers towards a separation from England. Some individuals, perhaps, had convinced themselves that benefit would result to this country from such a measure; but during the whole existence of the society of United Irishmen of Dublin, we may safely aver, to the best of our knowledge and recollection, that no such object was ever agitated by its members, either in public debate or private conversation, nor until the society had lasted a considerable time, were any traces of republicanism to be met with there: its views were purely, and in good faith, what the test of the society avows. Those, however, were sufficient to excite the most lively uneasiness in the friends of Protestant ascendancy and unequal representation; insomuch that the difficulty of their attainment, notwithstanding the beginning union of sects, became manifest. But with the difficulty, the necessity of the measure was still more obvious; and the disposition of the people, to run greater risques, for what they conceived both difficult and necessary to be had, was encreased. This will sufficiently account for the violent expressions and extraordinary proposals that are attributed to that society.—One of the latter was, that of endeavouring, at some future, but undetermined time, to procure the meeting of a convention, which should take into consideration the best mode of effecting a reform in parliament, as had been done in the year 1784. It was thought the weight and power of such a body, backed as it was hoped to be, with the support of Catholic and Protestant, and the encreased spirit towards liberty which arose from the French revolution, would procure a more favourable issue to the efforts of that convention, than had attended those of the former; but the object, as yet, went no farther than a reform in parliament, only on more broad and liberal principles.

The discussion, however, of political questions, both foreign and domestic, and the enacting of several unpopular laws, had advanced the minds of many people,

even before they were aware of it, towards republicanism and revolution; they began to reason on the subject, and to think a republican form of government was preferable to our own; but they still considered it as impossible to be obtained, in consequence of the English power and connexion. This, together with its being constantly perceived that the weight of English was thrown into the scale of borough interest, gradually rendered the connexion itself an object of discussion; and its advantages somewhat problematical. While the minds of men were taking this turn, the society of United Irishmen in Dublin was in the year 1794 forcibly dissolved, but the principles by which it was actuated were as strong as ever; as hyprocrisy was not of the vices of that society, it brought its destruction upon itself by the openness of its discussion and publicity of its proceeding. Its fate was a warning to that of Belfast, and suggested the idea of forming societies, with the same object, but whose secrecy should be their protection.—The first of these societies was, as we best recollect, in the year 1795. In order to secure co-operation and uniformity of action, they organized a system of committees, baronial, county, and provincial, and even national; but it was long before the skeleton of this organization was filled up. While the formation of these societies was in agitation, the friends of liberty were gradually, but with a timid step, advancing towards republicanism; they began to be convinced, that it would be as easy to obtain a revolution as a reform, so obstinately was the latter resisted, and as the conviction impressed itself on their minds, they were inclined not to give up the struggle, but to extend their views; it was for this reason that in their test the words are "an equal representation of all the people of Ireland", without inserting the word parliament. The test embraced both the republican and the reformer, and left to future circumstances to decide to which the common strength should be directed; but still the whole body, we are convinced, would stop short at reform. Another consideration, however, led the minds of the reflecting United Irishmen to look towards a republic and separation from England—this was the war with France; they clearly perceived that their strength was not likely to become speedily equal to wresting from the English and the borough interest in Ireland even a reform; foreign assistance would, therefore, perhaps become necessary; but foreign assistance could only be hoped for in proportion as the object to which it would be applied was important to the party giving it. A reform in the Irish parliament was no object to the French—a separation of Ireland from England was a mighty one indeed.—Thus they reasoned: shall we, between two objects, confine ourselves to the least valuable, even though it is equally difficult to be be obtained, if we consider the relation of Ireland with the rest of Europe.

Whatever progress the United system had made among the Catholics throughout the kingdom, until after the recall of Lord Fitzwilliam, (notwithstanding many resolutions which had appeared from them, manifesting a growing spirit,) they were considered as not only entertaining an habitual predilection for monarchy, but also as being less attached than the Presbyterians to political liberty. There were, however, certain men among them who rejoiced at the rejection of their claims, because it gave them an opportunity of pointing out that the adversaries of reform were their adversaries; and that these two objects could never be separated with any chance of success to either. They used the recall of that nobleman, and the rejection of his measures, to cement together in political union the Catholic and Presbyterian masses.

The modern societies, for their protection against informers and persecution, had introduced into their test a clause of secrecy. They did more—they changed the engagements of their predecessors into an oath; and mutual confidence encreased, when religion was called in aid of mutual security.

While they were almost entirely confined to the north, but encreasing rapidly there, the insurrection bill was passed in the beginning of the year 1796, augmenting

the penalties upon administering unlawful oaths, or solemn obligations even to death: but death had ceased to alarm men who began to think it was to be encountered in their country's cause. The statute remained an absolute dead letter, and the numbers of the body augmented beyond belief.

To the ARMAGH PERSECUTION is the Union of Irishmen most exceedingly indebted. The persons and properties of the wretched Catholics of that county were exposed to the merciless attacks of an ORANGE FACTION, which was certainly in many instances uncontrouled by the justices of peace, and claimed to be in all supported by government. When these men found that illegal acts of magistrates were indemnified by occasional statutes, and the courts of justice shut against them by parliamentary barriers, they began to think they had no refuge but in joining the Union. Their dispositions so to do were much encreased by finding the Presbyterians, of Belfast especially, step forward to espouse their cause, and succour their distress. We will here remark once for all, what we most solemnly aver, that wherever the Orange system was introduced, particularly in Catholic counties, it was uniformly observed that the numbers of United Irishmen encreased most astonishingly. The alarm which an Orange lodge excited among the Catholics made them look for refuge by joining together in the United system; and as their number was always greater than that of bigoted Protestants, our harvest was ten-fold. At the same time that we mention this circumstance, we must confess, and most deeply regret, that it excited a mutual acrimony and vindictive spirit, which was peculiarly opposite to the interest, and abhorrent to the feelings of the United Irishmen, and has lately manifested itself, we hear, in outrages of so much horror.

Defenderism has been supposed to be the origin of the modern societies of United Irishmen: this is undoubtedly either a mistake or a misrepresentation; we solemnly declare that there was no connexion between them and the United Irish, so far as we know, except what follows:

After the Defenders had spread into different counties, they manifested a rooted but unenlightened aversion, among other things, to the same grievances that were complained of by the Union. They were composed almost entirely of Catholics, and those of the lowest order, who, through a false confidence, were risking themselves, and the attainment of redress, by premature and unsystematic insurrection. In the north they were also engaged in an acrimonious and bloody struggle with an opposite faction called Peep-of-Day Boys. The advantage of reconciling these two misguided parties, of joining them in the Union, and so turning them from any views they might have exclusively religious, and of restraining them from employing a mutually destructive exertion of force, most powerfully struck the minds of several United Irishmen. For that purpose, many of them in the northern counties went among both, but particularly the Defenders, joined with them, shewed the superiority of the Union system, and gradually, while government was endeavouring to quell them by force, melted them down into the United Irish body. This rendered their conduct infinitely more orderly, and less suspicious to government.

It has been alledged against the United Irishmen, that they established a system of assassination. Nothing has ever been imputed to them, that we feel more pleasure in being able to disavow. In such immense numbers as were to be found in that body, although uniformity of system may have given a wonderful uniformity of action, yet it is unfair and unjust to charge the whole body with the vices of a few of its members: individual grievances produced individual resentments, and the meeting of many sufferers in the same way, frequently caused them to concur in the same resolutions. It appears, indeed, by some trials, that a baronial once took that subject into consideration, but it was manifest it was taken up by them as individuals, whose principles, as it afterwards appeared, were not repugnant to the act. A committee of assassination has been much talked of—we have heard persons mentioned as members of it, whom we know, from the most private and confidential

conversations, to be utterly abhorrent from the crime. We solemnly declare, we believe that such a committee never existed.—We most positively aver, it never was with the cognizance of any part of the Union. We also declare, that in no communication from those who were placed at the head of the United Irishmen, to the rest of that body, and in no official paper, was assassination ever inculcated, but freqently and fervently reprobated. It was considered by them with horror, on account of its criminality—and with personal dread, because it would render ferocious the minds of men in whose hands their lives were placed, most particularly placed; inasmuch as between them and the rest of that body they were out of the protection of the law. In proof of this assertion, we would beg leave to refer to a sketch of a publication which we believe was seized among the papers of one of us, at the time of his arrest, and which it was intended should appear if the paper to which it alluded had not been discontinued.—One other consideration, which we entreat may not offend, will, we hope, be decisive. If such committee had existed, and if the men at the head of the United Irishmen had thought assassination a justifiable mode of obtaining their ends, and had been capable of encouraging such atrocity, possessed as they were of wide-spread means of acting, and powerful controul over men, who, it is now manifest, held the loss of life in utter contempt, the poinard would have been directed, not against such petty objects as an obnoxious country magistrate, or an informer.

We were none of us members of the United system until September or October in the year 1796; at that time, it must be confessed, the reasons already alledged, and the irritations of the preceding summer in the north, had disposed us to a separation and republic, principally because we were hopeless that a reform would ever be yielded to any peaceable exertions of the people. We cannot be accurate as to the progress either of the numbers or organization of the United Irishmen, it having been an invariable rule to burn all the returns or other papers, after they ceased to be useful; we have no documents wherewith to refresh our memories, but we apprehend the report of the secret committee to be, in that case, sufficiently accurate, except that the numbers were always much greater than appeared by those reports; the documents on which they rely only noticed those who went regularly into societies; but great numbers, perhaps, at a rough guess, half as many were sworn to the test, who were prevented by private motives and local circumstances, from committing themselves in that way; we are, however, convinced that the numbers of the whole body could not latterly be less than 500,000.

The returns from different societies and committees upwards, specified, among other things, arms and ammunition; they were not originally included in them, nor were they introduced until after the passing the insurrection and indemnity acts, when the people began to be more than ever carried towards resistance, and were extremely irritated by the indemnified violations of law in the north. The returns also stated, sums of money having been collected, that those sums were always very small, and applied towards the support of persons imprisoned on charges connected with the Union, and in conducting of their defences; and other expenses were defrayed by occasional private subscriptions.

The printed constitution mentions a national committee: none such, strictly speaking, was ever formed at first, because to its appointment two provincials at least were necessary; and before the organization in any other part of the kingdom could reach to a provincial, the immense number in Ulster required a supreme head.—Some persons were then chosen by the northern provincial, with powers to associate to themselves such others as they should think fit. They were commonly called the Executive. When the organization began in Leinster, and shortly after the French left Bantry Bay, some persons resident in this province were associated to that body; things continued thus until many began to think that elections should take place pursuant to the constitution. The fidelity of the people had by that time been so

abundantly proved, that men did not hesitate to submit themselves to a guarded election by the Leinster provincial. National delegates were therefore chosen by it, who acted for their own province, and occasionally consulted with the executive of the north on subjects of general importance. The election of national delegates first took place, as we best recollect, about the latter end of November or December, 1797.

The military organization had no existence until towards the later end of 1796, and was as near as could be engrafted on the civil: in order to avoid giving alarm, it continued to conceal itself as much as possible under the usual denominations. The secretary of a society of twelve was commonly the petty officer; the delegate of five societies to a lower baronial, when the population required such an intermediate step, was usually the captain, and the delegate from the lower to the upper baronial was usually the colonel. All officers to colonels up were indispensably elected by those they were to command, but at that point the interference of the societies ceased, and every higher commission was in the appointment of the executive; only as soon as sufficient numbers of regiments were organized in any county, the colonels were directed to transmit to the executive the name of three persons fit, in their opinion, to act as adjutants-general for that county; of those the executive chose one; and through this organ, all military communications were made to the several counties. In consequence of such arrangements, not more than one of the executive need ever be committed with any county, and that only to a person of his own choice from among three. It so happened, that the same member was entitled to hold communication with several adjutants-general, which still further diminished the risk to the executive: we refer to the amended printed constitution, where the military organization without being named, is more correctly set forth, than we can give it from memory. As to the manner in which these men were to be provided with arms and ammunition, every man who could afford it was directed to provide himself with a musket, bayonet, and as much ammunition as he could; every other man with a pike, and, if he was able, a case of pistols; but this, we apprehend, was not strictly adhered to. We have heard it said, that treasurers were appointed for raising money to purchase arms, but no such appointment was ever made, at least by the executive. Perhaps some private societies might have adopted such a measure.

In many instances, the lower orders went about to private houses to search for arms; this the executive constantly endeavored to prevent, because they were unwilling to raise alarm in their adversaries, or let the members of their body acquire habits of plunder, and be confounded with robbers. They endeavoured to dissuade them from these acts, by representing to the people that the arms would always be kept in better condition by the gentlemen than by them, and could be easily seized whenever necessary. In other respects our stores were in the arsenal in the castle, and the military depots throughout the country; our supplies were in the treasury.

A military committee was appointed by the executive in February, 1798, for the principal purpose of preparing plans of operations, either in case of a premature insurrection, if we should be unfortunately and unwillingly forced into one, or of the invasion from France. As a committee it did nothing, but some of its members took up the consideration of the latter subject, and framed instructions how to act in case of a landing of a foreign force;—these were sent by the executive to such adjutants-general as had received their appointments; they generally went to use every effort in favour of the French.

Attempts were made with as much zeal as the necessary caution would permit, to introduce the system among the military, the militia especially; but the reports of the agents were mostly confused and unsatisfactory, so that the success of the measure could never be ascertained with any tolerable accuracy.

We have read in some evidence lately given, that a person was appointed

colonel by a commission from a general in the rebel army. We must beg leave to doubt, if not deny, the truth of that assertion. No general was ever chosen for Leinster, and colonels were always appointed by their captains; they derived their authority from this appointment, not from any commission of a general.

If Irish officers in foreign service had joined in our cause, they would have been gladly received, and rapidly promoted. Indeed an attempt to procure that was actually set on foot; we counted on their attachment to their native soil, and hatred to England, as a substitute for republicanism, and when they should be convinced that such a form of government was the best security for the permanent separation of the two countries, we were sure of their fidelity. It has so happened, however, from the delay of peace on the continent, or because our agent was over cautious in conducting the negotiation lest it should become known to the respective potentates, and communicated to the British court, that nothing in consequence of it has hitherto been effected.

We can aver, that no general plan of insurrection existed before the 12th. of March, 1798; but some individuals had perhaps formed local ones, adapted to the taking Dublin, and a few other places. When the north was on the point of rising, after the celebrated proclamation of General Lake, a plan of operations had been suggested for that occasion, which was destroyed as soon as the people were dissuaded from the enterprize, of which we cannot now speak with any degree of precision.

Several recommendations were occasionally handed down from the executive, through the committees, the dates or contents of which we cannot undertake to detail, unless they should be called to our recollection. The most remarkable, as they now occur to us, was a recommendation to abstain from spirituous and exciseable articles, not so much to destroy the resources of government, as for the purpose of preserving sobriety, which was so necessary to secrecy; and morality, which was so necessary to good order. It may be right to remark, that the recommendation was, however, painful to the people and contrary to their former habits, most astonishingly complied with. The executive also directed to discourage the circulation of bank notes, and published a hand-bill cautioning against the purchasing of quit-rents, pursuant to a scheme then in agitation, declaring, that as such a sale was an anticipation of the future resources of the country, it should not be allowed to stand good in the event of a revolution. The reasons for these publications are obvious. We must here remark, that many things were intrusted by the executive to some one of its members; it having been an invariable rule, that no more than one of them should, on any occasion, be committed with persons not of its body. For this reason, many things here stated are set forth on the credit of one individual, but believed by the remainder.

About the middle of 1796, a meeting of the Executive took place, more important in its discussions and its consequences, than any that had preceded it; as such we have thought ourselves bound to give an account of it with the most perfect frankness, and more than ordinary precision. This meeting took place in consequence of a letter from one of the society, who had emigrated on account of political opinions: it mentioned that the state of the country had been represented to the government of France in so favourable a point of view, as to induce them to resolve upon invading Ireland, for the purpose of enabling it to separate itself from Great Britain. On this solemn and important occasion, a serious review was taken of the state of the Irish nation at that period: it was observed that a desperate ferment existed in the public mind; a resolution in favour of a parliamentary reform had indeed been passed in 1795 by the house of commons—but after it had been frustrated by several successive adjournments, all hope of its attainment vanished, and its friends were everywhere proscribed; the volunteers were put down; all

power of meeting by delegation for any political purpose, the mode in which it was most usual and expedient to co-operate on any subject of importance, was taken away at the same time. The provocations of the year 1794, the recall of Lord Fitzwilliam, and the re-assumption of coercive measures that followed it, were strongly dwelt on: the county of Armagh had been long desolated by two contending factions, agreeing only in one thing, an opinion, that most of the active magistrates in that county treated one party with the most fostering kindness, and the other with the most rigorous persecution. It was stated, that so marked a partiality exasperated the sufferers, and those who sympathized in their misfortunes. It was urged with indignation, that notwithstanding the greatness of the military establishment in Ireland, and its having been able to suppress the Defenders in various counties, it was not able, or was not employed to suppress these outrages in that county, which drove 7,000 persons from their native dwellings. The magistrates, who took no steps against the Orangemen, were said to have overleaped the boundaries of law to pursue and punish the Defenders. The government seemed to take upon themselves those injuries by the indemnity act, and even honoured the violaters; and by the insurrection act, which enabled the same magistrates, if they choose, under colour of law, to act anew the same abominations. Nothing, it was contended, could more justly excite the spirit of resistance, and determine men to appeal to arms, than the insurrection act; it punished with death the administering of oaths, which in their opinion were calculated for the most virtuous and honourable purposes. The power of proclaiming counties, and quieting them by breaking open the cabins of the peasants between sunset and sunrise, by seizing the inmates, and sending them on board tenders, without the ordinary interposition of a trial by jury, had, it was alleged, irritated beyond endurance the minds of the reflecting, and the feelings of the unthinking inhabitants of that province. It was contended, that even according to the constitution and example of 1688, when the protection of the constituted authorities was drawn from the subject, allegiance, the reciprocal duty, ceased to bind; when the people were not redressed, they had a right to resist, and were free to seek for allies wherever they were to be found. The English revolutionists of 1688 called in the aid of a foreign republic to overthrow their oppressors. There had sprung up in our own time a much more mighty republic, which by its offers of assistance to break the chains of slavery, had drawn on itself a war with the enemies of our freedom, and now particulary tendered us its aid. These arguments prevailed, and it was resolved to employ the proffered assistance for the purpose of separation. We are aware it is suspected that negociations between the United Irishmen and the French were carried on at an earlier period than that now alluded to, but we solemnly declare such suspicion is ill-founded. In consequence of this determination of the executive, an agent was dispatched to the French directory, who acquainted them with it, stated the dispositions of the people, and the measures which caused them. He received fresh assurances that the succours should be sent as soon as the armament could be got ready.

About October, 1796, a messenger from the republic arrived, who, after authenticating himself, said he came to be informed of the state of the country, and to tell the leaders of the United Irishmen of the intention of the French to invade it speedily with 15,000 men, and a great quantity of arms and ammunition; but neither mentioned the precise time, nor the place, doubting, we suppose, our caution, or our secrecy.—Shortly after his departure, a letter arrived from a quarter, which there was reason to look on as confidential, stating that they would invade England in the spring, and positively Ireland.—The reason of this contradiction has never been explained; but the consequences of it, and the messenger not having specified the place of landing, were, that when the armament arrived in December, 1796, at Bantry Bay, they came at a time, and in a port we had not foreknown.

After the intended descent had failed, it occurred to some of the members of

the association, and their friends in the city, and to some of the most considerate of the United Irishmen, that one more attempt should be made in favour of parliamentary reform. They hoped that the terrible warning which had been given by the facility of reaching our coasts, and if the armament had landed, the possibility at least of its succeeding, would have shewn the borough proprietors the necessity of conceding to the popular wish. The storm had dispersed a cloud big with danger, but it might again collect, and the thunder of republic and revolution again roll, and burst over their heads. This was then judged the best moment to persuade them, in the midst of their fears, to a measure strictly counter-revolutionary.

We think it but right to state, that no greater connexion ever subsisted between any of the members of the opposition and the United Irishmen, except in this instance, and for the accomplishment of this purpose. In consequence of these joint efforts a meeting was held at the exchange, which declared in favour of reform, and a proposal of that nature was submitted to parliament. If in the course of that effort for reform it had not become evident that success was hopeless, it was the wish of many among us, and we believe the Executive would have gladly embraced the occasion of declining to hold any further intercourse with France, except sending a messenger there to tell them that the difference between government and the people had been adjusted, and that they would have no business a second time to attempt a landing. In fact, no attempt or advance was made to renew the negociation till April, 1797, when an agent was sent. In the May following, the well known proclamation of General Lake appeared. This very much encreased the ferment of the public mind, and the wish for the return of the French, to get rid of the severities of martial-law. It did more—it goaded many people of the north to press the executive to an insurrection, independent of foreign aid.

About this time a letter arrived, which assured us the French would come again, and requesting that a person should be sent over to make previous arrangements. The eagerness of those in the north, who were urgent for insurrection, was checked by making known this communication to them, and entreating for delay; it was resisted likewise by some of the most sober and reflecting among themselves, who were of opinion they were not yet sufficiently prepared for the attempt; those considerations prevailed, particularly as, in order to enforce them, an advantage was taken of the wish expressed by their enemies, that the people might rise.

The impatience, however, which was manifested on this occasion, and the knowledge that it was only controuled by the expectation of speedy and foreign assistance, determined the executive to send an agent speedily to France in answer to the latter. This person departed in the latter end of June, 1797. By both these agents, rather a small number of men, with a great quantity of arms, ammunition, artillery and officers were required; a small force only was asked for, because the Executive, faithful to the principle of Irish independence, wished for what they deemed just sufficient to liberate their country, but incompetent to subdue it. Their most determined resolution, and that of the whole body, being collected as far as its opinion could be taken, always has been in no event to let Ireland come under the dominion of France, but it was offered to pay the expenses of the expedition. The number required was 10,000 men at the most, and at the least 5,000. The executive inclined to the larger number; but even with the smaller, the general opinion among them was, there could be no doubt of success. As to the quantity of arms, by the first messenger 40,000 stand were specified, but by the second, as much more as could be sent; the difference arose from the disarming that had gone on in the north, and the encreasing numbers who were ready to use them. The executive also instructed its agents to negotiate for a loan of money, if it could be had in France; if not, to negotiate with Spain—the sum was half a million. Our second agent, on his arrival at Hamburg, wrote a memorial containing those and other details, a copy of which some way or other, we perceive the government has obtained, and

therefore refer to it. He then proceeded to Paris, to treat further on the business, where he presented a second memorial; the object of this was to urge motives arising out of the state of affairs, which would induce the directory not to postpone the invasion. We cannot precisely state the whole of its contents, as, according to the practice already mentioned, no copy of it has been preserved; but it went to demonstrate that the disposition which then existed in the Irish mind was in no future contingency to be expected, nor in any subsequent rupture between Great Britain and the French republic; that his majesty's ministers must see Ireland would infallibly become the seat of war, if they did not previously remove those grievances, the existence of which would naturally invite, and prove a powerful auxiliary to the enemy. Such a rupture, it was observed, must be in the contemplation of the British cabinet, as several of its most leading members declared that they considered the existence of the British monarchy incompatible with that of the republic. Conciliation, then, according to every rule of policy and common sense, would be ultimately adopted; and though it should fall short of the wishes of the people, it was asserted, if once possessed of a reasonable share of liberty, they would not be brought to run the chance of a revolution in order to obtain a more perfect system of freedom.

Our second agent, while at Paris, and pending the negotiation at Lisle, was told by some of the persons in power in France, that if certain terms, not specified to him, were offered by the English, peace would certainly be made. However, after the negotiation was broken off, he received positive assurance that the Irish never should be abandoned until a separation was effected, and that they should be left entirely at their own option to choose their own form of government.

About this time a person came over, informing us that a considerable army was ready, and embarked at the Texel, destined for Ireland, and only waiting for a wind. The troops afterwards disembarked, but we are ignorant of the reason why they never sailed, except perhaps that the wind continued so long adverse, that the provisions were exhausted—and that in the meantime disturbances broke out in the French government. It may be proper to remark, that in none of the communications or negotiations with France, did the government of that country ever intimate the place they would land, or, except in the first, the force they should bring.

Sometime in the beginning of the year, a letter was received from France, stating that the succours might be expected in April. Why the promise was not fulfilled, we have never learned. We know nothing of the further communications from any foreign state, nor of the future plan of operations of the French; but we are convinced they will not abandon the plan of separating this country from England, so long as the discontents of the people would induce them to support an invasion.

Let us, then, while Ireland is yet our country, be indulged in a few remarks, which we deem extremely important to its future prosperity: now that we have given these full and faithful details of the past, we cannot be suspected of any but pure and disinterested motives in what we are about to say, ere we leave it for ever. The parts we have acted, have enabled us to gain the most intimate knowledge of the dispositions and hearts of our countrymen. From that knowledge we speak, when we declare our deepest conviction that the penal laws, which have followed in such doleful and rapid sucession—the house-burnings—arbitrary imprisonments—free quarters—and above all, the tortures to extort confessions—neither have had, or can have, any other effect but exciting the most lively rancour in the hearts of almost all the people of Ireland, against those of their countrymen who have had recourse to such measures for maintaining their power, and against the connexion with Great Britain, whose men and whose aid have been poured in to assist them.

The matchless fidelity which has marked the Union—the unexampled firmness and contempt of death displayed by so many thousands at the halbert, in the field, in the gaol, and at the gibbet, exempt us from claiming any belief on our personal

credit. If the hearts of the people be not attached by some future measures, this nation will be again and more violently disturbed, on the coming of a foreign force. If a reform be adopted, founded upon the abolition of corporations and boroughs, as constituent bodies, and the equal division of the representatives among those who may be entitled to the elective suffrage, the best possible step will be taken for preserving the monarchical constitution, and British connexion. For the success of this measure, we would not now answer—but of this we are sure, you must either extirpate or reform.

The heavy and still agitated minds with which we write, will, we hope, not only apologize for any inaccuracy of style, but likewise serve the much more important purpose of excusing any expressions that may not be deemed sufficiently circumspect. Much as we wish to stop the effusion of blood, and the present scene of useless horrors, we have not affected a change of principles, which would only bring on us the imputation of hypocrisy, when it is our most anxious wish to evince perfect sincerity and good faith. We, however, entreat government to be assured, that while it is so much our interest to conciliate, it is far from our intention to offend.

ARTHUR O'CONNOR,
THOMAS ADDIS EMMET,
WILLIAM JAMES MACNEVEN.

What other thought scares the child of the Ulster Volunteers from nationality? He fears a Catholic ascendancy? Ought he to believe this danger among people who, when they had the power, never persecuted who, out of power for 150 years, have felt the agony of religious slavery, the right and ennoblement of emancipation—who have grown up in the consistent and enthusiastic profession of religious equality and freedom?

Thomas Davis, "The Nation", Nov. 13, 1847.

It is also of the utmost importance that the sovereign and statesmen of England should be apprised that the people of Ireland know and feel that they have a deep and vital interest in the weakness and adversity of England.

Daniel O'Connell.

Note IX

(See Vol. I—Page 252.)

SUBSTANCE

OF

THOMAS ADDIS EMMET'S EXAMINATION,

BEFORE THE SECRET COMMITTEE OF THE HOUSE OF LORDS,

AUGUST 10, 1798.

(Taken by the Government Official

and revised by

Mr. Emmet.)

When Britain is powerful, the anti-Irish faction in this country are encouraged, fostered, promoted; Irish rights are derided; the grievances of Ireland are scoffed at.

Daniel O'Connell.

The object however, would be reached much more easily by honourable compromise. This compromise is only possible by leaving the form of self-government undefined—putting off the definition until a really representative body, with the country at its back, and elected with that mandate, could be assembled, and speak in the name of the nation. When the nation speaks all parties must obey and a united Irish nation can shape its own destiny.

Irish Freedom, Dublin, April, 1914.

SUBSTANCE

OF

THOMAS ADDIS EMMET'S EXAMINATION,

BEFORE THE SECRET COMMITTEE OF THE HOUSE OF LORDS,

AUGUST 10, 1798.

Committee. WERE you an United Irishman?

Emmet. My lords, I AM one.

Com. Were you a member of the executive?

Emmet. I was of the executive from the month of January to the month of May, 1797, and afterwards from December, 1797, till I was arrested.

(I was then asked as to the military organization, which I detailed.—They then asked when the returns included fire arms and ammunition.)

Emmet. After the insurrection and indemnity acts had been passed, when the people were led to think on resistance, and after 4,000 persons had been driven from the county of Armagh by the Orangemen.

Com. Was not the name of Orangeman used to terrify the people into the United system?

Emmet. I do not know what groundless fears may have been propagated by ignorant people; but I am sure no unfair advantage was taken by the executive. The Orange principles were fairly discussed, as far as they were known, and we always found, that wherever it was attempted to establish a lodge, the United Irish encreased very much.

Lord Dillon. Why, where was it endeavoured to introduce them, except in the north, and the city of Dublin?

Emmet. My lord, I can't tell you all the places in which it was endeavoured, but I will name one, in the county of Roscommon, where I am told it made many United Irishmen.

Lord Dillon. Well, that was but very lately, and I endeavoured to resist it.

Com. When were your first communications with France?

Emmet. The first I heard of were after the insurrection and indemnity acts had been carried; the first I knew of was after the French fleet had left Bantry Bay, and after it was manifest the effort for reform would not succeed: and permit me to add, on my oath, it was my intention to propose to, and from my conversations I had with some of the Executive Directory, I am sure it would have been carried there, that if there had been any reasonable hope of reform being adopted, to send one more messenger to France, and he should have told them the difference between the people and the government was adjusted, and not to attempt a second invasion.

(They then took me into detail through the whole of the negotiations and message—I stated that the demand on our part was from five to ten thousand men, and forty thousand stand of arms, by the first agent; that the instructions to the second agent differed by requesting more arms in consequence of the disarming of the north, which had intervened, and that the French had promised we should be at perfect liberty to choose our own form of government. It was expressly stipulated with them that they should conduct themselves so.)

Lord Chancellor. As they did in Holland?

Emmet. As Rochambeau did in America, my lords.

They then entered on the subject of the separation.

Lord Chancellor. How is it possible, Mr. Emmet, just look on the map, and tell me how you can suppose that Ireland could exist independent of England or France?

Emmet. My lords, if I had any doubt on that subject, I should never have attempted to effect a separation. but I have given it as much consideration as my faculties would permit, and I have not a shadow of doubt, that if Ireland was once independent, she might defy the combined efforts of France and England.

Archbishop of Cashel. My God! her trade would be destroyed!

Emmet. Pardon me, my lord, her trade would be infinitely encreased: 150 years ago, when Ireland contained not more than one million and an half of men, and America was nothing, the connexion might be said to be necessary to Ireland, but now that she contains five millions, and America is the best market in the world, and Ireland the best situated country in Europe to trade with that market, she has outgrown the connexion.

Lord Chancellor. Yes, I remember talking to a gentleman of your acquaintance, and I believe one of your body, and way of thinking, who told me that Ireland had nothing to complain of from England; but that she was strong enough to set up for herself.

Emmet. I beg, my lords, that may not be considered as my opinion; I think Ireland has a great many things to complain of against England: I am sure she is strong enough to set up for herself; and give me leave to tell you, my lords, that if the government of this country be not regulated so that the controul may be wholly Irish, and that the commercial arrangements between the two countries be not put on the footing of perfect equality, the connexion cannot last.

Lord Chancellor. What would you do for coals?

Emmet. In every revolution, and in every war, the people must submit to some privations; but I must observe to your lordships, there is a reciprocity between the buyer and the seller, and that England would suffer as much as Ireland, if we did not buy her coals. However, I will grant that our fuel would become dearer for a time; but by paying a higher price we could have a full sufficient abundance from our own coal mines, and from bogs, by means of our canals.

Archbishop of Cashel. Why, twelve frigates would stop up all our ports.

Emmet. My lord, you must have taken a very imperfect survey of the ports on the western coasts of this kingdom, if you suppose that twelve frigates would block them up; and I must observe to you, that if Ireland was for three months separated from England, the latter would cease to be such a formidable naval power.

Lord Chancellor. Well, I conceive the separation could not last twelve hours.

Emmet. I declare it to God, I think that if Ireland was separated from England she would be the happiest spot on the face of the globe.

(At which they all seemed much astonished.)

Lord Chancellor. But how could you rely on France that she would keep her promise of not interfering with your government?

Emmet. My reliance, my lord, was more on Irish prowess, than on French promises; for I was convinced, that though she could not easily set up the standard herself, yet when it was once raised, a very powerful army would flock to it, which, organized under its own officers, would have no reason to dread 100,000 Frenchmen, and we only stipulated for a tenth part of that number.

Lord Kilwarden. You seem averse to insurrection; I suppose it was because you thought it impolitic?

Emmet. Unquestionably: for if I imagined an insurrection could have succeeded without a great waste of blood and time, I should have preferred it to invasion, as it would not have exposed us to the chance of contributions being required by a foreign force; but as I did not think so, and as I was certain an invasion would succeed speedily, and without much struggle, I preferred it even at the hazard of that inconvenience, which we took every pains to prevent.

Lord Dillon. Mr. Emmet, you have stated the views of the executive to be very liberal and very enlightened, and I believe yours were so; but let me ask you, whether it was not intended to cut off (in the beginning of the contest) the leaders of the opposition party by a summary mode, such as assassination: my reason for asking you is, John Sheares' proc-

lamation, the most terrible paper that ever appeared in any country: it says, that "many of your tyrants have bled, and others must bleed", &c.

Emmet. My lords, as to Mr. Sheares' proclamation, he was not of the executive when I was.

Lord Chancellor. He was of the new executive.

Emmet. I do not know he was of any executive, except from what your lordship says—but I believe he was joined with some others in framing a particular plan of insurrection for Dublin and its neighbourhood—neither do I know what value he annexed to those words in his proclamation—but I can answer, that while I was of the executive, there was no such design, but the contrary—for we conceived when one of you lost your lives, we lost an hostage. Our intention was to seize you all, and keep you as hostages for the conduct of England; and after the revolution was over, if you could not live under the new government, to send you out of the country. I will add one thing more, which, though it is not an answer to your question, you may have a curiosity to hear. In such a struggle, it was natural to expect confiscations; our intention was, that every wife who had not instigated her husband to resistance, should be provided for out of the property, notwithstanding confiscations; and every child who was too young to be his own master, or form his own opinion, was to have a child's portion. Your lordships will now judge how far we intended to be cruel.

Lord Chancellor. Pray, Mr. Emmet, what caused the late insurrection?

Emmet. The free quarters, the house-burnings, the tortures, and the military executions in the counties of Kildare, Carlow, and Wicklow.

Lord Chancellor. Don't you think the arrests of the 12th of March caused it?

Emmet. No; but I believe if it had not been for these arrests, it would not have taken place; for the people, irritated by what they suffered, had been long pressing the executive to consent to an insurrection, but they had resisted or eluded it, and even determined to persevere in the same line; after these arrests, however, other persons came forward who were irritated and thought differently, who consented to let that partial insurrection take place.

Lord Chancellor. Were all the executive arrested or put to flight by the arrests of the 12th of March?

Emmet. Your lordships will excuse my answering to that question, as it would point out individuals.

Lord Chancellor. Did you not think the government very foolish to let you proceed as long as they did?

Emmet. No, my lord; whatever I imputed to government, I did not accuse them of folly. I knew we were very attentively watched, but I thought they were right in letting us proceed. I have often said, laughing among ourselves, that if they did right, they would pay us for conducting the revolution, conceiving as I then did, and now do, that a revolution is inevitable unless speedily prevented by very large measures of conciliation. It seemed to me an object with them that it should be conducted by moderate men, of good moral characters, liberal education, and some talents, rather than by intemperate men of bad characters, ignorant, and foolish; and into the hands of one or other of those classes it undoubtedly will fall. I also imagined the members of government might be sensible of the difference between the change of their situation being effected by a sudden and violent convulsion, or by the more gradual measures of a well conducted revolution, if it were effected suddenly by an insurrection—and I need not tell your lordships, that had there been a general plan of acting, and the north had co-operated with Leinster, the last insurrection would have infallibly and rapidly succeeded; in such case, you would be tumbled at once from your pinnacle; but if a revolution were gradually accomplished, you would have had time to accommodate, and habituate yourselves to your new situation. For these reasons, I imagine government did not wish to irritate and push things forward.

Lord Chancellor. Pray, do you think Catholic Emancipation and parliamentary reform any objects with the common people?

Emmet. As to Catholic Emancipation, I don't think it matters a feather, or that the poor think of it. As to parliamenary reform, I don't think that the common people ever thought of it, until it was inculcated to them that a reform would cause a removal of those grievances which they actually do feel. From that time, I believe, they have become very much attached to the measure.

Lord Chancellor. And do you think that idea has been successfully inculcated into the common people

Emmet. It has not been my fortune to communicate much with them on that subject, so that I cannot undertake to say how far it has been successfully inculcated into them; but of this I am certain, that since the establishment of the United Irish system, it has been inculcated into all the middling classes, and much more among the common people, than ever it was before.

Lord Chancellor. And what grievances would such a reformed legislature remove?

Emmet. In the first place, it would cause a complete abolition of tythes: in the next, by giving the common people an encreased value in the democracy, it would better their situation, and make them more respected by their superiors; the condition of the poor would be ameliorated; and what is perhaps of more consequence than all the rest, a system of national education would be established.

Lord Dillon. The abolition of tythes would be a very good thing; but don't you think it would be more beneficial to the landlords than the tenants

Archbishop of Cashel. Aye, it is they would benefit by it.

Emmet. My lords, I am ready to grant, that if tythes were now abolished, without a reform, there are landlords who would raise the rent on their tenants, when they were making new leases, the full value of the tythes, and, if they could, more; but if a reform succeeded the abolition of tythes, such a reformed legislature would very badly know, or very badly perform its duty, if it did not establish such a system of landed tenures as would prevent landlords from doing so; and let me tell your lordships, that if a revolution ever takes place, a very different system of political economy will be established, from what has hitherto prevailed here.

Lord Glentworth. Then your intention was to destroy the church?

Emmet. Pardon me, my lord, my intention never was to destroy the church. My wish decidedly was to overturn the establishment.

Lord Dillon. I understand you—and have it as it is in France?

Emmet. As it is in America, my lords.

Lord Kilwarden. Pray, Mr. Emmet, do you know of any communications with France since your arrest?

Emmet. I do, my lord, Mr. Cooke told me of one.

Lord Kilwarden. But don't you know in any other way, whether communications are still going on between this country and France?

Emmet. No; but I have no doubt that even after we shall have left this country, there will remain among the 500,000 and upwards which compose the Union, many persons of sufficient talents, enterprize, enthusiasm, and opportunity, who will continue the old, or open a new communication with France, if it shall be necessary; and in looking over, in my own mind, the persons whom I know of most talents and enterprize, I cannot help suggesting to myself the persons I think most likely to do so; but I must be excused pointing at them.

THOMAS ADDIS EMMET.

Is there a man of you that is not convinced and that has not felt that even the meanest Englishman considers himself as your superior and despises an Irishman in his heart?
Theobald Wolfe Tone.

Note X

(See Vol. I—Page 253)

EXAMINATION OF THOS. ADDIS EMMET, ESQ.—SWORN

BEFORE THE SECRET COMMITTEE

OF THE HOUSE OF LORDS, AND PUBLISHED

Q. Did you belong to the Society of United Irishmen?

A. I did.

Q. Were you a member of the Executive?

A. I was—I was first appointed in January 1797, and continued a member of it till May, 1797. I then ceased to be of it till December last, when I was elected a second time and I continued a member till my arrest.

Q. When did the military organization take place?

A. I have heard that it commenced the beginning or middle of 1796. Its object was to prepare for resistance. This organization was known to and had the approbation of the Executive as returns of men and arms were regularly made to them. The last military organization proceeded immediately from the Executive.

Q. When did the first communication with France take place?

A. The first I heard of took place about the middle of 1796. This was in consequence of an offer of assistance from France; this offer was in consequence of representations made by persons of this country resident in Paris. It was taken into serious consideration in the summer of 1796 and accepted by the Executive. The first communication with France, of which I can speak from my knowledge, was in April 1797. This was an effort to establish a permanent intercourse with the French Directory; to give them an account of the number of troops here, and of their situation, and of the disposition of the people, and to solicit the aid of a limited number of troops with arms and ammunition.

A special messenger was sent on this occasion, who was continued the resident accredited agent of the Irish Executive in Paris, and has been supported by private subscriptions.

Q. Were any dispatches received from this agent?

A. In some time after his arrival at Paris, he sent assurances to the Executive, of assistance from the French, and that they would continue it till Ireland was separated from Great Britain.

Q. When did the next communication with France take place?

A. In June 1797, a second messenger was dispatched. He was sent in consequence of an application from the French Directory to arrange everything for the invasion. His instructions were pretty much the same as those of the former, but he was to require a greater quantity of arms. This additional supply of arms was demanded principally in consequence of the seizure of arms in the North which had been made by order of government.

Q. Was any communication made here relative to the armament in the Texel?

A. I am pretty certain that a communication was made in the summer, 1797, that the armament in the Texel was destined for Ireland.

Q. Was any dispatch received from France in the last winter?

A. A dispatch from the Directory arrived in the last winter to the Executive

that an armament would arrive here in the month of April. No mention was made of the amount of the force to be sent, nor of the place of debarkation, as they were assured by the Irish Executive that wherever they landed they would be supported.

Q. How do you account for the people being so loyal and well disposed while the French were in Bantry Bay?

A. About November 1797 a messenger arrived from France who stated that a descent would immediately be made with 15,000 men. In a very few days after this messenger had quitted Ireland on his return, a letter arrived which was considered as authentic by the Irish Executive, stating that the expedition was deferred till spring, when England would be invaded and probably Ireland. This contradiction then threw the Executive off their guard, in consequence of which no measures were taken to prepare the people for the reception of the French army. The people were left to themselves.

[Beyond question the sending of this letter from Paris was a very clever move on the part of some of Pitt's agents in Paris, who were all fully acquainted with what was going on, and the result was equal to a defeat.]

Q. Was any dispatch sent from this country to France in the last winter?

A. About the beginning of January or the latter end of December, a dispatch was made up by the Executive, and intended to be transmitted to the Directory, but the attempt failed.

Q. When was the staff appointed?

A. It was appointed for Leinster by the Executive in January or February 1798. It was thought necessary to have an Adjutant-General in each county to communicate military orders from the Executive.

Q. What was the mode of appointment?

A. The Colonels of each county returned the names of three persons to the Executive, who appointed one of them.

Q. What was the purpose of the military organization and preparations?

A. To assist the French when they should land, and effect a revolution.

Q. When was the Military Committee appointed?

A. I believe in February 1798. Their duty was to prepare a plan of co-operation with the French when they should land, or of insurrection in case they should be forced to it before the arrival of the French, which they are determined to avoid if possible. I believe the insurrection which has taken place was brought forward by the military severities which were exercised in the county of Kildare, and that if the arrests had not taken place it would have been kept back by the persons who were arrested till the French should arrive, as it was their determination to wait for assistance from France. If the French had arrived, I am certain there would have been a very general and formidable insurrection in every part of the country.

Q. Was John Sheares a member of the Executive before his arrest?

A. He was not. Says the old Executive never meant to spill blood; but rather to retain men of a certain rank as hostages, and if they found them hostile to the new government to send them out of the country. That it was also determined that if the wives of such persons did not act with hostility to the new government they should be allowed a maintenance out of the husband's property, and that each child should have a portion, the residue to belong to the nation.

Q. Did the arrests on the 12th of March tend to disorganize the system?

A. They did. The principal members of the Union were either confined or fled in consequence of the arrests.

Q. Do you think the mass of the people care for the Catholic Emancipation or Parliamentary Reform?

A. I believe the mass of the people do not care a feather for Catholic Emancipation; neither did they care for Parliamentary Reform, till it was explained to

them as leading to other objects which they looked to, principally the abolition of tithes. They were also taught that when they became members of a democracy their condition would be bettered.

Q. Was any ecclesiastical establishment intended by the revolutionary government?

A. None, certainly.

Q. How do you suppose it possible for Ireland to remain an independent country unconnected with Great Britain?

A. Ireland is now in a very different situation from that in which she stood at the revolution; I think she has grown out of her connection with Great Britain.

Q. Explain yourself?

A. At the Revolution her population did not much exceed a million and a half, now it amounts to five millions; her wealth has increased in greater proportion. I am therefore of opinion that she is capable now of standing alone.

Q. Do you not think it a wiser and fairer policy to abide by that connection by which her wealth and population have grown so considerably?

A. I do not. I think this might be the happiest country in the world if she was established as an independent Republic.

Q. How could she exist without a ship of war or the means of having one? Twelve British frigates stationed around her coast must annihilate the trade of Ireland. How much could England distress her, even in the single article of coals?

A. I think Ireland would be very much crippled for some years; but if she were separated from Great Britain, the colossal strength of the British navy would be very quickly reduced; and as to the supply of coals, I think by extending our inland navigation we could be supplied with fuel at home.

As to any union between the two islands, believe us when we assert that our union rests upon our mutual independence. We shall love each other if we be left to ourselves. It is the union of mind which ought to bind these nations together. [?]

Thomas Wright.

We should be loath to pass a rash judgment on those who differing as they do . . . from us, are still near and dear to our hearts; yet the Irishmen who resist the restoration of Ireland's nationality, and look to English principles and English arms, in opposition to the majority of their countrymen seeking independence, should consider whether they will not—and deservedly, too—go down to posterity with the false and countryless men we have mentioned, bitterly remembered.

Thomas Davis, "The Nation", Nov. 13, 1747.

Note XI

(See Vol. I—Page 253)

THE EXAMINATION

OF

THOMAS ADDIS EMMET,

BEFORE THE SECRET COMMITTEE OF THE HOUSE OF COMMONS,

AUGUST 14, 1798.

(TAKEN BY THE GOVERNMENT OFFICIALS)

AND REVISED BY

MR. EMMET.)

It ought to be the settled policy of the Irish nation to carry on an unceasing warfare against every English Ministry which shall refuse to assist in restoring to Ireland its legislative independence.

William Smith O'Brien, "The Nation", Nov. 17, 1847.

THE EXAMINATION

OF

THOMAS ADDIS EMMET,

BEFORE THE SECRET COMMITTEE OF THE HOUSE OF COMMONS,

AUGUST 14, 1798.

LORD CASTLEREAGH mentioned that the minutes of my examination before the lords had been transmitted to them, and that they only wanted to ask me a few questions in explanation of those minutes. The general turn of the examination was therefore the same as that before the upper house; but I could observe much more manifestly this time than before, a design, out of my answers, to draw the conclusion that nothing would content the people but such changes as would be a departure from what they choose to call the English constitution, and the English system; and therefore I presume they meant to infer, that the popular claims must be resisted at all hazards.—The Speaker seemed to me to take the lead in conducting the investigation to this point.

Lord Castlereagh. Mr. Emmet, you said in your examination before the lords, that the French had not made known the place where they intended landing; how then will you explain an address which we have here, stating that the French were shortly expected in Bantry Bay?

Emmet. My Lord, I know nothing at present of that address; but I suppose on farther enquiry it will be found to be some mistake, as I am positive they never mentioned Bantry Bay in any communication; I know, on the contrary, Galway Bay was looked on as the probable place of their landing.

N. B. I find, upon enquiry, that address is without a date, and was written after the French had disappeared from Bantry Bay, and were generally expected to return.

Mr. Alexander. I have here some resolutions, (*which he read, and which, among other things, spoke of the extent of the confiscations that would be made in the event of a revolution, and how they should be applied*)—do you know any thing of them?

Emmet. I have a recollection of having read them before; and if that recollection be right, they are resolutions that have been passed by an individual society at Belfast, and were seized at the arrests of Barrett, Burnside, and others.

Mr. Alexander. They are the same.

Emmet. Then I hope the committee will draw no inference from them as to the views of the executive or of the whole body. You know the north well, and that every man there turns his mind more or less on speculative politics; but certainly the opinions of a few of the least informed among them cannot be considered as influencing the whole.

Mr. J. C. Beresford. Aye, but would you be able to make such people give up their own opinion, to follow yours?

Emmet. I am convinced we should; because I know we have done it before, on points where their opinions and wishes were very strong.

Mr. Alexander. How did you hope to hold the people in order and good conduct when the reins of government were loosened?

Emmet. By other equally powerful reins. It was for this purpose that I considered the promoting of organization to be a moral duty. Having no doubt that a revolution would, and will take place, unless prevented by removing the national grievances, I saw in the organization the only way of preventing its being such as would give the nation lasting causes of grief and shame. Whether there be organization or not, the revolution

will take place; but if the people be classed and arranged for the purpose, the controul which heads of their own appointment will have over them, by means of the different degrees of representation, and organs of communication, will, I hope, prevent them from committing those acts of outrage and cruelty which may be expected from a justly irritated, but ignorant and uncontrouled populace.

Mr. Alexander. But do you think there were in the Union such organs of communication as had an influence over the lower orders, and were at the same time fit to communicate and do business with persons of a better condition?

Emmet. I am sure there were multitudes of extremely shrewd and sensible men whose habits of living were with the lower orders, but who were perfectly well qualified for doing business with persons of any condition.

Speaker. You say the number of United Irishmen is five hundred thousand—do you look upon them all as fighting men?

Emmet. There are undoubtedly some old men and some young lads among them; but I am sure I speak within bounds when I say the number of fighting men in the Union cannot be less than three hundred thousand.

Speaker. I understand, according to you, the views of the United Irish went to a republic and separation from England; but they would probably have compounded for a reform in parliament. Am I not right, however, in understanding that *the object next their hearts* was a separation and a republic?

Emmet. Pardon me, *the object next their hearts* was a redress of their grievances; two modes of accomplishing that object presented themselves to their view; one was a reform by peaceable means, the other was a revolution and republic. I have no doubt but that if they could have flattered themselves that *the object next their hearts* would be accomplished peaceably, by a reform, they would prefer it infinitely to a revolution and republic, which must be more bloody in their operation; but I am also convinced, when they saw they could not accomplish the object next their hearts, a redress of their grievances, by a reform, they determined in despair to procure it by a revolution, which I am persuaded is inevitable, unless a reform be granted.

Speaker. You say that a revolution is inevitable, unless a reform be granted: what would be the consequence of such a reform in redressing what you call the grievances of the people?

Emmet. In the first place, I look to the abolition of tythes. I think such a reformed legislature would also produce an amelioration of the state of the poor, and a diminution of the rents of lands, would establish a system of national education, would regulate the commercial intercourse between Great Britain and Ireland, on the footing of perfect equality, and correct the bloody nature of your criminal code.

Speaker. You speak of the abolition of tythes; do you include in that the destruction of the establishment?

Emmet. I have myself no doubt of the establishment's being injurious, and I look to its destruction; but I cannot undertake to say how far the whole of that measure is contemplated by the body of the people, because I have frequently heard an acreable tax proposed as a substitute, which necesarily supposes the preservation of the establishment.

Speaker. Don't you think the Catholics peculiarly object to tythes?

Emmet. They certainly have the best reason to complain, but I rather think they object as tenants more than as Catholics, and in common with the rest of the tenantry of the kingdom; and if any other way of paying even a Protestant establishment, which did not bear so sensibly on their industry, were to take place, I believe it would go a great way to content them; though I confess it would not content me; but I must add, that I would (and I am sure so would many others who think of establishments like me) consent to give the present incumbents equivalent pensions.

Lord Castlereagh. Don't you think the Catholics look to accomplishing the destruction of the establishment?

Emmet. From the declaration they made in 1792, or 1793, I am sure they did not

then; I cannot say how far their opinions may have altered since, but from many among them proposing a substitute for tythes, I am led to believe they may not yet be gone so far.

Lord Castlereagh. But don't you think they will look to its destruction?

Emmet. I cannot pay so bad a compliment to the reasons which have convinced myself, as not to suppose they will convince others. As the human mind grows *philosophic,* it will, I think, wish for the destruction of all religious establishments, and therefore, in proportion as the Catholic mind becomes *philosophic,* it will of course entertain the same wishes—but I consider that as the result of its philosophy, and not of its religion.

Lord Castlereagh. Don't you think the Catholics would wish to set up a Catholic establishment, in lieu of the Protestant one?

Emmet. Indeed I don't, even at the present day; perhaps some old priests, who have long groaned under the penal laws, might wish for a retribution to themselves—but I don't think the young priests wish for it, and I am convinced the laity would not submit to it, and that the objections to it will be every day gaining strength.

Speaker. You also mention that a reform would diminish the rents of lands; how do you think that would be done?

Emmet. I am convinced rack rents can only take place in a country otherwise essentially oppressed; if the value of the people was raised in the state, their importance would influence the landlords to consult their interests, and therefore to better their condition. Thus I think it would take place, even without any law bearing upon the matter.

Mr. Alexander. Mr. Emmet, you have gone circuit for many years; now have you not observed that the condition of the people has been gradually bettering?

Emmet. Admitting that the face of the country has assumed a better appearance; if you attribute it to the operation of any laws you have passed, I must only declare my opinion, it is *post hoc sed non ex hoc.* As far as the situation of the lower orders has been bettered in Ireland, it results from the encreased knowledge, commerce, and intercourse of the different states of Europe with one another, and is enjoyed in this country only in common with the rest of civilized Europe and America. I believe the lower orders in all those countries have been improved in their condition within these twenty years, but I doubt whether the poor of this kingdom have been bettered in a greater portion than the poor in the despotic states of Germany.

Speaker. You mention an improved system of national education; are there not as many schools in Ireland as in England?

Emmet. I believe there are, and that there is in proportion as great a fund in Ireland as in England, if it were fairly applied; but there is this great difference, the schools are Protestant schools, which answer very well in England, but do little good among the Catholic peasantry in Ireland.—Another thing to be considered is, that stronger measures are necessary for educating the Irish people than are necessary in England: in the latter country, no steps were taken to counteract the progress of knowledge; it had fair play, and was gradually advancing; but in Ireland you have brutalized the vulgar mind, by long continued operation of the popery laws, which, though they are repealed, have left an effect that will not cease these fifty years. It is incumbent then on you to counteract that effect by measures which are not equally necessary in England.

Speaker. You mentioned the criminal code; in what does that differ from the English?

Emmet. It seems to me, that it would be more advisable, in reviewing our criminal law, to compare the crime with the punishment, than the Irish code with the English; there is, however, one difference that occurs to me on the instant—administering unlawful oaths is in Ireland punished with death.

Lord Castlereagh. That is a law connected with the security of the state.

Emmet. If it is intended to keep up the ferment of the public mind, such laws may be necessary; but if it be intended to allay the ferment, they are perfectly useless.

Speaker. Would putting the commercial intercourse on the footing of equality, satisfy the people?

Emmet. I think that equality of situations would go nearer satisfying the people than any of the other equalities that have been alluded to.

Speaker. Then your opinion is that we cannot avoid a revolution unless we abandon the English constitution, and the English system in our establishment, education and criminal laws?

Emmet. I have already touched on the latter subjects; as to the English constitution, I cannot conceive how a reform in parliament can be said to destroy that.

Speaker. Why, in what does the representation differ in Ireland from that in England; are there not in England close boroughs, and is not the right of suffrage there confined to 40s. freeholders?

Emmet. If I were an Englishman, I should be discontented, and therefore cannot suppose that putting Ireland on a footing with England would content the people of this country; if, however, you have a mind to try a partial experiment, for the success of which I would not answer, you must consider how many are the close boroughs and large towns which contribute to the appointment of their 558, and diminish in the same proportion the number of the close boroughs and towns which contribute to the appointment of our 300; even that would be a gain to Ireland; but that there should be no mistake, or confusion of terms, let us drop the equivocal words of *English constitution,* and then I answer, I would not be understood to say, that the government, of kings, lords and commons, would be destroyed by a reform of the lower house.

Lord Castlereagh. And don't you think that such a house could not co-exist with the government of kings and lords?

Emmet. If it would not, my lord, the eulogies that have been passed on the British constitution are very much misplaced; but I think they could all exist together, if the king and lords meant fairly by the people; if they should persist in designs hostile to the people, I do believe they would be overthrown.

(It was then intimated, that they had got into a theoretical discussion, and that what they wished to enquire into was facts.)

Sir J. Parnel. Mr. Emmet, while you and the Executive were philosophising, Lord Edward Fitzgerald was arming and disciplining the people.

Emmet. Lord Edward was a military man, and if he was doing so, he probably thought that was the way in which he could be most useful to the country; but I am sure, that if those with whom he acted were convinced that the grievances of the people were redressed, and that force was become unnecessary, he would have been persuaded to drop all arming and disciplining.

Mr. J. C. Beresford. I knew Lord Edward well, and always found him very obstinate.

Emmet. I knew Lord Edward right well, and have done a great deal of business with him, and have always found, when he had a reliance on the integrity and talents of the person he acted with, he was one of the most persuadable men alive—but if he thought a man meant dishonestly or unfairly by him, he was as obstinate as a mule.

(Many questions were then put to me relative to different papers and proceedings of the United Irish; among the rest, John Sheares' proclamation was mentioned with considerable severity. I took that opportunity of declaring, that neither the execution of John Sheares, or the obloquy that was endeavoured to be cast on his memory, should prevent my declaring that I considered John Sheares a very honourable and humane man.)

Mr. French. Mr. Emmet, can you point out any way of inducing the people to give up their arms?

Emmet. Redressing their grievances, and no other.

Lord Castlereagh. Mr. Emmet, we are unwillingly obliged to close this examination by the sitting of the house.

Emmet. My lord, if it be the wish of the committee, I will attend it at any other time.

Lord Castlereagh. If we want you, then we shall send for you.

After the regular examination was closed, I was asked by many of the members whether there were many persons of property in the Union. I answered that there was immense property in it. They acknowledged there was great personal property in it, but wished to know was there much landed property; I answered there was. They asked me was it fee simple; to that I gave no answer. The attorney-general said there was in it many landholders who had large tracts of land, and felt *their* landlords to be great grievances. I admitted that to be the fact. They asked me had we provided any form of government. I told them we had a provisional government for the instant, which we retained in memory; but as to any permanent form of government, we thought that, and many other matters relating to the changes which would become necessary, were not proper objects for our discussion, but should be referred to a committee chosen by the people.

They did not ask what the provisional government was.

Seven centuries of rapine and . . . carelessness, alternating with ferocity . . . not a gleam of humanity nor political wisdom, not even the wisdom of the peasant who takes care of his beast lest it perish.

J. M. Robinson, M.C.

Oh, that our brethren would consider these things! By reference to the true history of the past in Ireland, they would bind their hearts to its glorious recollections, disencumber themselves of the calumnious traditions of Musgrave and Archbishop King and Temple; while a cool survey of the future of Ireland would show that the feelings, habits and interests of the Irish Catholics would all combine to prevent even an attempt at ascendancy and to show the success of such an attempt impossible.

Thomas Davis, "The Nation", Nov. 13, 1847.

Note XII

(See Vol. I—Page 254; 261.)

A SECOND REPORT WAS ISSUED BY THE COMMITTEE OF SECRECY OF THE HOUSE OF LORDS, AND PRINTED IN "THE DUBLIN MAGAZINE", SEPTEMBER, 1798, PAGE 191.

THE LORD CHANCELLOR MADE THE FOLLOWING REPORT FROM THE COMMITTEE OF SECRECY:

MY LORDS:

The Lords' Committee, appointed to examine the matter of the sealed up papers received from the Commons on the 23d of July last, and to report the same as they shall appear to them in this House; having seen an advertisement in the public prints, signed Arthur O'Connor, Thomas Addis Emmett and William James Macneven, have thought it their duty to examine the said Arthur O'Connor, Thomas Addis Emmett and William James McNeven, with respect to such advertisement, and to the end that it might be ascertained whether they, or any of them intended to contradict or retract anything which they had heretofore deposed before your committee. And your committee subjoin the several examinations on oath of the said Arthur O'Connor, Thomas Addis Emmett and William James M'Neven, this day made and signed by them respectively upon that subject as follows, viz.—

"Second Report from Secret Committee, House of Lords, Thursday, 6th Sept., 1798.

"Thomas Addis Emmett, Esq., sworn,

"Admits that the advertisement which appeared in the *Hibernian Journal* and *Saunder's News-Letter* of Monday, the 27th of August last, under the signature of Arthur O'Connor, Thomas Addis Emmett and William James McNeven, was published by their authority. Says he did not by said advertisement, nor does he in any manner, mean to contradict or retract anything stated by him before this committee, or the Secret Committee of the House of Commons, but is willing to authenticate the whole of the evidence which he gave on those occasions in any manner that may be thought fit. Declares that the said advertisement alluded solely to misrepresentations in the Newspapers, says he has read the evidence stated in the appendix to the report of the Secret Committee of the House of Lords, as having been given by him before that committee, and admits that the evidence so stated expresses nothing but the truth; but omits many reasons which he gave in justification of his own conduct and that of the Union at large. Says he does not mean to contradict anything which has been so reported with respect to the military organization of the United Irishmen in this kingdom, or the nature or object of it, which was after they had despaired of obtaining a reform in Parliament by peaceful means to effect a Revolution by subverting the Monarchy, separating this country from Great Britain, and erecting such government in Ireland as might be chosen by the people. Says he does not mean to contradict the details given in the said reports of the correspondence and connection of the Irish Union with the Government of France, as far as he has any knowledge thereof, and which details he so far admits to be accurate.

"Thomas Addis Emmett".

The reader has seen the statement made by the Irish State prisoners and the report, issued and printed by the Secret Committee of the House of Lords, as a recantation by these prisoners under oath. Such is the English version of Irish history, which has been accepted for centuries throughout the world as authentic. Yet, from an entire absence of all moral influence in what is termed "state craft" truth as such is never associated with any English version of an Irish incident, and expediency is the only prompter in the observance of the most solemn pledge. England has never respected any power but superior force.

Agitation for repeal of the Union is mere mockery, conducive only to the interests of individuals, as long as the practice of seeking places from an English government is to be compatible with an avowed determination to free the country from the dominion of English Parliaments and English Governments.

William Smith O'Brien, "The Nation", Nov. 6th, 1874.

Note XIII

(See Vol. I—Page 254.)

Vol. II.—32

TO

PEDRO ZENDONO

(i.e. Dr. Edward Trevor)

INQUISITOR OF KILMAINHAM.

(Signed "Vindex", i.e. John St. John Mason).

I do remember an Apothecary,
And hereabouts he dwelt, whom oft I noted
In tatter'd weeds, with ever-knitting brows,
Culling of simples; meagre were his looks;
What ho! Apothecary!
Caitiff, shake to pieces,
That under covert and convenient seeming,
Has practis'd on man's life.

Shakespere.

SECOND EDITION.

DUBLIN.

1807

There cannot be a greater judgment befall a country than such a dreadful spirit of division as rends a government into two distinct people, and makes them greater strangers and more averse to one another than if they were actually two different nations.

Addison, "Spectator," No. 125.

TO

PEDRO ZENDONO

&c. &c. &c.

MAN of mystery! stand forth: You have been neglected, but not forgotten! Accept this apology, you, whose sleepless hours have been consumed in plotting against human happiness and human life—you, the petty tyrant of a prison—the midnight spectre, haunting the habitation of death—stand forward!—lift up your forehead, and listen to the accusation. What though the lineaments of malignity be marked upon the visage—though the wavering glance, and the agitated frame may denote an ulcerated conscience, yet shall you not be condemned by mere indications of guilt; more substantial is the proof; the charges are not trivial, incontestible therefore should be the evidence. And if, in the course of this discussion, any warmth of expression should appear, I stoop not to vindicate that honest emotion, which swells against systematic oppression, barbarity, and peculation, exercised under the assumed sanction of a calumniated government, whose name has been polluted by such assumption; neither shall I deprecate the charge of calumny,—I know the value of truth too well to assist in its violation, and the facts are of too melancholy a certainty to require the embellishment of falsehood.

Do not imagine that panegyric is my object—do not suppose that because you are noticed, it is from any exalted merit or distinguished worth—not so. Junius justly remarks, that "private vices, however detestable, have not dignity sufficient to attract the censure of the press, unless they are united with the power of doing some signal mischief to the community".—And you, sir, are dragged before the public tribunal, and the eye of government, for the misdeeds of a sordid mind, as an example to those vultures who prey upon public calamity—who poison the source of justice; and, faithless to their trust, and shrouded in office, aggravate the misery they are instructed to redress. Do not therefore, exult in this attention—remember that the most despicable animals of nature may become of consequence from the noxious qualities they possess; that their capability of doing mischief may lift them to an infamous pre-eminence; that the wasp will sting, and the serpent will bite.—You are indeed noticed, but it is the notice of detestation.—PEDRO ZENDONO, the public eye is upon you.

To those whose literary acquirements are more limited than yours, some comment on this appellation may be necessary—you indeed well know that the lay Inquisitor of Kilmainham was so designated.—The pages of Gil Blas recount the exploits of this your worthy prototype—and surely you have not dishonoured his memory. Read this extract. "As I was crossing a little court, I met with the Steward of the house, a person "to whom everything was in subjection; even the superior was forced to obey him; he "gave an account of his Stewardship to the Corregidor only, on whom alone he depended, "and who reposed entire confidence in him; his name was PEDRO ZENDONO! imagine "to yourself a tall, pale, meagre man, one who might serve for a model, whereby to "draw a good thief; you never saw so hypocritical a countenance, even though you had "lived in the house of the Archbishop; and this man, after various and sordid occupations became a member of an Inquisition!" I candidly ask those who have seen and known you, must not the mind be staggered as to the doctrine of transmigration, more than a century has elapsed, and the man lives again! with some improvements I confess.

Well, then, PEDRO ZENDONO, INQUISITOR OF KILMAINHAM, through you shall I attempt to convey to the government, and the Public some of those enormities, which were acted in that prison. The task may be disgusting, but public duty is paramount to private feeling, and it becomes an indispensable obligation on the honest mind

boldly to state the abuses of office, and to inform the government how basely its ministers prostitute their trust—and let it be engraven on your memory, most upright Inquisitor, that if oppression, fraud, peculation and cunning, be mentioned in this address; if machinations the most infamous, and calumnies the most cowardly and cruel should be noticed, the charge lights not upon the government, which must loath such grovelling, and to which the most unequivocal respect is intended; but it lights upon the Panders of the state, who, like you, scatter their arrows abroad, and skulk behind the shield of its name. Come forth then from that list, thou man of multifarious occupation, whose employments outnumber the titles of a Spanish Hidalgo, or a German Baron—whom even Dicky Gossip might envy—come forth and justify yourself in the dovetailed avocations of APOTHECARY, DOCTOR, ENGINEER, BAKER, SUTTLER, GAOLER, MAGISTRATE, CRIMP AND CATCHPOLE—come forth, most gallant *Lieutenant*, thou PATRON OF THIEVES, ROBBERS AND HANGMEN, thou SUBORNER OF PERJURY, thou DOUBLE ADULTERER, come forth, and tell the world by what merit you have been placed, pensioned, and dignified—by what extraordinary worth you have been raised from the humblest walk of life to your present elevation—you are diffident, and I shall spare your modesty—a man should not be the herald of his own virtues. You, Proteus, have even exulted in a fancied security that your manifold excellencies would remain unknown to the world, you thought the season had gone by, that the "tale of other times" would continue undivulged, that removal from the scene of your guilt and peculation, to a distinct quarter of the town, Fitzgibbon Street, where you were little heard of, would obliterate your deeds—but know that there pervades the honest heart an inextinguishable energy, which soon or late springs against injustice, in proportion to its former depression.

On the score of birth and education, what, I pray you, were your claims to advancement, what say the legends of your family,—that a dog-boy in the north had incorporated with a spirit vender at fairs and markets, known by the name of *Whiskey Jane*, and the offspring of this coalition was distinguished by the appellation of Red Ned—that, unincumbered with shoes or instruction, the stripling advanced to manhood, and commenced his military career in the ranks; that being but an indifferent soldier, his discharge was procured, and he journeyed to the metropolis, where an Apothecary in Bride Street received him as an inmate, at the *promised* 'prentice fee of eight pounds sterling, raised by contribution. If professional science was his object, it may reasonably be supposed that, in the pursuit, he began at the wrong end—his practice preceded his theory, and his deductions were not from principles, but rather *a posteriori*. However, he occasionally made excursions, to the North, and was found very serviceable at elections in Down, where the breath of calumny has dared to accuse the immaculate youth of something like perjury, but *he* set the detraction at defiance; he wormed himself into a marriage; he become the protector of his wife's sisters, and showed how faithfully he could execute a trust, where the family property was concerned—that property was embezzled, and female indigence at his mercy.—He may tremble at the word *concordatum*, but it cannot be the tremor of guilt, it must be the agitation of an honest man writhing with indignation at atrocious perfidy, and agonised that his benevolent heart can afford no balm but pity.

In you do I continue the identity of character—but I shall not wade through the windings and involutions of your filthy progress, till you reached the Stewardship of Kilmainham—I shall not recapitulate the abominable acts of your association with coadjustor M'Dougal and others—I shall not detail your brutality to state prisoner Ivers—neither shall I treat the polluted course of infamy, where female innocence was the sacrifice of an adulterous passion; but without specifying by what acts of servility and debasement you arrived, without stating in this place, what *professional gull* you have imposed upon, I shall suppose you invested with some undefinable authority, and acting on such, within the walls and purlieus of Kilmainham.

When I say that you acted upon some undefinable authority, of course I mean that

you never demonstrated by what authority you did act—you professed indeed to act only as gaol apothecary and food inspector—but did you not exercise a tyranny beyond the duties of such offices? did you not wish that your dominion should be unbounded, without the responsibility attached to defined situation—If these offices had been your intended limits, you were an usurper of powers, which the government did not sanction, but whose name you dishonored by assuming its protection to actions intrinsically your own. Was the marshalling and training of Informers within your province, as apothecary, or inspector of food? was two-fold gaolership within the stamp of your commission—gaoler at home specially, gaoler at Kilmainham "By BREVET"? I borrow the rank from Mirabeau; read his *lettres de cachet,* my friend, and you will find some points of prison persecution congenial to your heart.

And here it may not be amiss to guard against that species of exculpatory recrimination, which we understand by the *argumentum ad hominem,* where the man is attacked, when his statement is incontrovertible. I well know your duplicity, and you well know the person, whose pages you tremblingly scrutinize: you know that he detests falsehood, meanness and cunning, and you have felt him on those points. Should you therefore retaliate by the infamous outcry of disaffection; should you recur to the melancholy transactions of July, 1803, his answer is, that his oath is at stake upon the question, and that the whole of that lamentatable conspiracy has his *unqualified condemnation*—but the grave has closed upon the unhappy victims, and when memory points to *one,* humanity must drop a tear at the recollection of great, but misapplied talent.

BUT to return. A race of men, denominated *informers,* were under your immediate tuition. In the moment of their enmity what was the reproach of one deluded miscreant to the other, "Villain, you took away the lives of four innocent men". What was the reply? "Tis false, there were but three!" Do you wish for chapter and verse? No, no! further information would be nugatory to you. Your pupils were instantly removed from the honest men, with whom they had been herded.

Do you, a Magistrate, recollect exhorting a young man, whose evidence had once admitted in a court of justice, to swear falsely against an upright and benevolent gentleman, whose heart is the abode of honour, and to whom he owed numberless obligations? Do you recollect that human nature was not totally extinguished in the breast of the young man; that he started with horror at the infernal proposition; that you still urged him, asserting, "that indeed government did not intend to take the life of the gentleman; "but that you wished the young man should swear to a few trivial circumstances, which "indeed may not be true, but which would form a chain of consistency, when connected "with other matters, that you had in mind"—Beware how you deny the fact.

Did you, sir, never dismiss into the country an ambassador, in the person of a turnkey, dressed as a travelling carpenter and carrying on his shoulders the implements of that trade? and what was the success of your decoy? Did you never raise to the rank of *general* another wretched tool, whose indigence forced him into the service, and who, supplied with money and equipped with clothes ostentatiously emblematic of sedition, had himself arrested in the North? When this miserable man threatened to divulge, was not conduct to him most barbarous and inhuman? But your emissaries were not always successful, and you sometimes in person recruited for the prison-department. The object of your excursions was not always so secret as you imagined, and the scent of *peculation* was but too often the scent of *blood.*

And lo! he was dubbed a Doctor! and his name inserted in the annals of the almanack! hail! Pangloss, thou pillar of the profession. But disclose, I pray you, to its members, by what right you have dared intrusion into the society of learned and honourable men. Whether did St. Andrews or Aberdeen give you the passport of a diploma? What were your literary qualifications, what the scientific earnings of toil, study and well-directed talent? Was your erudition displayed in the ingenious discovery that *"bread and beer were good animal food!"* and of course that beef and mutton must be choice vegetable diet? Was it shewn, when you said a gentleman, who had been treated with

some *indignity*, declared, *in your phraseology*, that he would not suffer such *indignation*? Was it demonstrated by those dislocated observations, which regularly disgusted your auditors, insulted literature, and betrayed such uncommon ignorance, even in your most wary moments? Was your medical skill acquired *by trotting in rank and file*, or by the drudgery of swearing at elections? Was it gained by intrusion to the antichambers of the castle, as the colourable basis of authorised powers from the government? Was it earned by an indefatigable attendance of sixteen hours out of the four and twenty, within the walls of a prison, and in the pollutions of *Paudatirm*? Disclose, I conjure you, the magic secret, and spare the votaries of medicine that labour of study, which the profession has hitherto required. You, who stand on the 'vantage ground of science, and who speak of *regular* practitioners with an apparent contempt, which cannot spring from envy; you, who bear the laurel of Apollo, stoop to instruct. Doctor Last, descend from your chariot.

AND now to your *practice*. Do you recollect the deaths of three gaolers, each of whom you attended? As to the *first*, peace be to his *manes*, and to your conscience. The *second* was indeed a very useful man, but all your skill could not save him. You attended him to the last; and even that *pint of castor oil*, which he swallowed an hour before his death, could not relieve the *gout in his stomach!* The third was afflicted with *bad lungs*, and surely your enormous doses of *tincture of bark* should have saved his lungs and his life. Why not try your standing prescriptions, glauber-salts and whey? But mortality is the lot of man, and the physician, whom he at length called in, was unable to restore him—his fate had been decided before. But his widow is young and handsome, and you are not insensible to female beauty; of this hereafter. You know the pulse *"as well as any man in Europe"*, and yet you could not distinguish the pulsation of ninety from one hundred and twenty. Your practical skill was equally apparent when in visiting the convicts confined in the condemned cell, on the common gaol allowance, and in the depth of winter, you declared that eruptions on their hands and bodies were from *"heat of blood"*,—sometimes indeed it was *"one of those colds, which were going"*. Ah! such a Doctor!

DID you not once assert to a prisoner violently heated from rackets, which excess was occasioned by the limited period allowed for exercise, that "cold water was the best beverage he could take"? and at another time, when your compelled patient was afflicted with that malady, from which even your marriage has not shielded you, and when his enfeebled frame required nutriment, did you not declare, that *"wine* was the worst thing he could take", and should never be given "to a patient, labouring under such distemper"? Sangrado also discouraged the use of wine to his patients, but surely your library, The DISPENSATORY and BUCHAN may have taught *you* better.

I pass by, without comment, the death of that man, who perished from absolute neglect, at the period your second gaoler died. But the death of state prisoner COMESKY was a black deed and merits some attention.

THE complaint of this man was a putrid fever, and *three days before his death*, you tauntingly told him, "that his illness was pretense and imposition, that he was as well as you were, and you desired him to rise from his bed". He became a corpse discoloured and swoln. And I assert without fear of contradiction, that in violation of law, *no regular Inquest* ever sat upon the body, and that you were the delinquent who prevented such inquisition. A few persons apparently as an Inquest, but unaccompanied by the Coroner, who it seems, was *below stairs*, did approach the body; some of them urged the propriety of inspecting it closely, of dissection, and the necessary solemnity of an oath; but you, the medical attendant of the prison, the overseer, and a magistrate, peremptorily told them "that their only province was to ascertain the death, that they had no "right to inquire the cause of it, and that the coroner would, when they went down to him, "explain the rest". They departed, the matter was hushed up, the coroner had his fees, and you, who, three days before, pronounced this man's illness a pretence, had it inserted in the public prints, "that Mr. Comesky died of a *tedious* illness". You dare not disavow

these facts—you dare not name the coroner—you dare not deny the death and its concomitants—and yet, to this very hour, has this black business of two years' standing, remained *without investigation!*

SUCH was the *physician,* whom in exclusion of skill and merit, the state selected—such was the safeguard of imprisoned existence. Was he known to the profession? was there a member of that learned body, who would not have shrunk from his society, and spurned at a consultation? was there a medical individual, save one weak, but good-natured man, high in professional rank, but not high in professional estimation, who deigned to associate with him? this individual (who also has asked prisoners "what information they could give government") finding this person a diligent servant, procured him a footing in the prison, as *Apothecary,* and occasionally bolstered him by visits to that place. The county gaol became a state prison and the reptile crawled to the Castle. Swift says "there is a strict universal resemblance, between the *natural* and *political* "body; consequently the health of both must be preserved, and the diseases cured by the "same prescriptions, such as lenitives, aperitives, corrosives, restringents, etc. as their "several cases required". Was this the reason that a medical became a state empiric? did this wonderful skill in the natural frame auger equal experience in the political, and, upon the faith of such analogy, was he instantly *branded* a statesman, identified with the government and presented with his political diploma? Alas! I fear that other qualities than skill or talent discovered in him; I fear that he was found, by some menial of government, to be a supple sycophant, needy, crafty and unprincipled—a voluntary *Pandar,* whose ostensible character in a prison may cloak his real object, and who, steeled against any invasion of conscience, was ready for the filthy work, could he but secure the "filthy bargain". The Jackall ran down the prey, and the morsel was his reward.

"TIS well—he has now the sanction of government, because employed by his menial he is now constitutionally a *spy,* and engaged to worm out secrecy, through the instrumentality of profession, and its consequent facilities of intercourse. What prisoner can suspect, that in the attending *physician,* he beholds an *informer,* or suppose his visitor so indescribably base, as to meditate destruction, at the moment of apparent kindness. But actions are not incredible, merely from their singular depravity. Behold this *human vulture*—behold him goading that witness against an hapless victim—behold him, when the hour of suffering comes, approach the dying man, his eye moistened, his hand stretched forth and his farewell inarticulate—behold him, ere the grave is closed, or the body cold, the scoffing Calumniator of the dead! flitting round the miserable mansion, and snuffing back the rancour of his own polluted breathings.

BUT pass we on, *Zendono,* to the ADMINISTRATION OF THE PRISON, comprehending various *arrangements* and *regulations,* some directed by yourself, some by your worthy auxiliaries—but all according to your assertions, expressly *originating with government.*

LET us begin with the article of Food, *its service, and the matters connected with it.* The meat was, in its quality, generally bad, and in its quantity, often insufficient—mostly salt during winter, frequently putrid and served up with stinking cabbage. The potatoes were bad invariably—other vegetables seldom given, and when given, very scanty—the *animal* food, namely, *bread and beer,* were but too often objectionable—the bread half-baked, dirty and served without a plate—the beer muddy—the water bad, discoloured, and taken from a filthy cistern—the substitute for wine was a small glass of vitriolated whiskey. Such were *the best productions of the market,* &c. &c. &c.—as your *second* Gaoler's manufactured address announced to the public. The State prisoners had neither table-cloth, napkin, towell or rubber—merely because the State prisoners of *ninety-eight* had burned one of their's: at the end indeed of twenty months, coarse knife rubbers were supplied—the plates were washed in the urine buckets—the cooking so bad, and the supply of meat so often deficient, that the prisoners cooked in their apartments, where sometimes five or six were immured and obliged to *perform the offices of nature in presence of each other*—you shrewdly wondered that they did not make nature periodical,

and that the two hours allotted for exercise, tho' uncertain on your Roster, were not employed in her avocations, instead of disturbing keepers, who were, it seems, to be paid by government for doing nothing. *The solitary prisoner* came out to the corridore to cut his portion at a filthy table—boots, shoes and brushes, at one end wine buckets and an old chest for certain purposes, and for eighteen gentlemen at the other—no intercourse, no friendly salutation was permitted and the keeper having vigilantly eyed him, as he cut his morsel, reconducted him to his cell, and to his cheerless meal. In one part of the building, did the overflowings of the privy not only pass to the dinner table and through which the prisoner was to wade, but it passed *into the very cells and rooms, where the prisoners eat, drank and slept.* The attendants, all spies, were convicts—several of whom are now on a South Sea voyage—such as robbers, perjurers, incestuous ravishers, &c., &c. and occasionally the *Hangman.* Their allowance was the scanty leavings of the state prisoners; while the common good allowance, which they did not get, was still charged upon the county. The intentions of government, as to the allowance for support of state prisoners, were *liberal*—it was at *first nearly seven shillings* per day, individually—but at the very moment they were supplied with stinking provisions, and suffered the most mortifying deprivations, you had the modesty and feeling to declare,, "that by your interference, it was reduced to *three* shillings, and that the actual expenditure, *was one shilling and eleven pence* halfpenny, for *one* class of prisoners; the allowance to another class was nominally one shilling and seven pence halfpenny, and the sum actually expended *one shilling* and that by such reduction you saved government "ten pounds a day". These were facts solemnly *sworn to before the first criminal judges of the land,*—and yet, by your industry and cunning was it circulated "that the "State Prisoners of Kilmainham had the choicest food, served under covers, were liberally "supplied with excellent wine, had TURKEY CARPETS in their apartments, and, "in short, lived in such a state of luxury as was shameful in government to "allow"!

Your *medical* arrangements were not less excellent. Your mate was a turnkey, whose claims and character we shall hereafter consider. This person mixed, made-up and distributed the medicines, as directed by you: sometimes by prescription, but more frequently by verbal instruction—and often did he assume the character of doctor himself.—It could not be expected that the man who had formerly been engaged for *purposes of assassination,* and who gloried in that office, could be very tender with regard to human life —for this therefore and for other admirable qualities, you selected this creature, as the ready instrument for your own machinations. This helpmate was occasionally assisted by a *dumb man,* who received the several kinds of medicine, without label, which he was instructed by signs to distribute, and administer to the proper persons, in various parts of the prison. Another branch of the arrangement was, that a prisoner should be supplied with medicine, *provided he relinquished his portion of food for the day,* but which, as well as the medicine, you charged to government. Will even *you* deny this to be a mercenary traffic of the state allowance, and a fraud upon the government. And yet a gaol, thus conducted, you modestly declared, was *the best regulated prison in the Kingdom.* A few more of your arrangements must surely substantiate your prison-optimism, thou best of all possible doctors.

Your *distribution of prisoners* was capricious, arbitrary, and whimsical—your removals were without warning, and without assigned or assignable cause. Once indeed your last gaoler incautiously declared, on the removal of a prisoner to a filthy cell, that he was so removed, *because he complained to the judges,* and thereby procured an investigation of abuses. Some who slept in the same room, were not allowed to walk out, or speak together, in the day time; some were permitted to speak together one part of the day, and not another. Prisoners whose education, manners and habits of life had been totally different, were locked up in the same apartments—your *associations* were indeed altogether ludicrous—you enclosed *informers, felons and honest men* together, in order, as you said, "that one class should purify the other". What a noble system of moral

chemistry! and in one instance you curiously selected, as the companion of an acquitted man, the very juror who had sate in judgment on his life.

WHAT was the treatment to VISITORS? were they not invariably insulted by you, and your vile associates? were they not constantly alarmed for the safety of their friends, lest *poison* or the *bayonet* should take them off? were they not, whether male or female, necessitated to stand for hours in a passage, which you occasionally used as a *stable,* infested with convicted murderers and robbers? and for some days, was not the immediate turnkey to the state prisoners' apartments of the former class? were the visitors, when admitted, allowed more than *fifteen minutes* conversation, and that in the presence of an *avowed assassin?* unless, indeed, you had some object to attain with a prisoner's friends, such as a voice in a medical society, &c. by the indulgence of an unlimited time, or without the intervention of this worthy agent. Was not this your protege, the only attendant and *auditor* for visitors to *one hundred prisoners?* I correct myself—sometimes indeed, convicted robbers were employed to relieve him.

THE LETTERS of the prisoners were detained, suppressed or destroyed, by you and your colleagues at discretion; nor could even the seal of the SECRETARY escape violation. Their domestic concerns and calamities were the theme of your hirelings, and the approaching bankruptcy and ruin of a prisoner were faithfully circulated long before his creditors know the fact.

YOUR INSTRUMENTS were the most abandoned of beings; and did not one person, rather than stoop to the infamy of your service, quit the prison, declaring, "That no honest man could remain in the degrading 'occupation'?" Who or what was your THIRD *gaoler?* A turnkey, whom you assisted in his elopement with the niece of your second—her person you imagined this man would in gratitude have shared with you, as another of your mercenaries had already done with his virtuous partner. You therefore placed this turnkey as overseer in a *prison ship*—you procured him the gaolership of Philipstown—you turned out an honest man to place him in Kilmainham—but, alas! his wife was virtuous, and your amorous favours were ineffectual. This creature, of unlamented memory was weak, giddy and choleric—ferocious in his appearance and brutal in his manners—an intoxicated blasphemer, who visited his prisoners with a *loaded pistol* in his hand; and, in one instance, pointed it at the *breast of an aged man of seventy,* uttering, at the same time, the most horrid denunciations. He introduced the military on the most trivial occasions; he sent his prisoners to cells and dungeons, and chained them on the most frivolous pretences; he declared that he would give the state prisoners good food, *according as they deserved it;* as if they were dependent on his bounty, and had no allowance from the government. His erudition, as may be expected, was, like your own, extensive; when seizing papers, he exulted at a printed report of a secret committee of the lords, *because it was a secret paper!* when questioned as to his conduct, he pleaded the orders of GOVERNMENT, through the medium of THE DOCTOR.

ANOTHER wretched tool was a *soldier* from that place north of the Tweed, whose locality excludes all affection for one country, and the legislature has cut off from the other. This neutral being, who felt no national sympathy, was the adopted partner of your confidence, and your privileged representative in meanness, falsehood and cunning. You bestowed on him a wife, *whom you first dishonoured;* you continued the adulterous commerce; Castor and Pollux were alternately lords of the ascendant—and the aggrandizement of the *husband* was in payment for the prostitution of the *wife.* How many hours have you loitered in amorous dalliance in the sheriff's *execution-room!*—How often has the *balcony door* been shut upon your virtuous pleasures!—How often has the matrimonial Pandar retired to his proper distance, leaving you, the simular of lust, to dishonour wedlock, and disgrace manhood!—"Fie, fie, fie! Pah! Pah! give me an ounce of civet, good Apothecary, to sweeten my imagination"!

THIS abject instrument was, *by his own declaration,* formerly employed, at Mullingar, to conduct the intended ASSASSINATION of prisoners committed to his custody. He has boastingly avowed the fact, and observed, "that similar orders may probably be issued

Quality of Food

Bread

Mr. Philip Long swears that the bread is occasionally very bad, it was bad, very bad, yesterday; the bread is musty and made of damaged flour.

Mr. (Henry) Hughes. The bread is generally unfit for use, appears to be steeped in water.

Mr. Kearney, The bread is often bad.

N. B. Christopher Duff, Baker, begs to be forgiven, and promises in future to supply good bread.

Vide Mr. James Wallis' statement, No. 5, under head Dr. Trevor, Baker of Kilmainham.

Butter

Mr. Henry Hughes, swears that the butter is bad and rancid.

Beer

Mr. Marley, swears that he gets small beer for breakfast.

Mr. John Burke complains that he was put upon allowance of beer which he was not accustomed to.

Mr. Scully, Beer for breakfast. He complained to Dr. Trevor that beer did not agree with him. But Dr. Trevor told him that if he complained he would be removed to the other side of the gaol, viz. The Felons' side.

Mr. Edward Kennedy, Got a pint of small beer, and some bread for breakfast; the class of prisoners he belonged to got the same.

Mr. Michael Nowlan, complains that he was reduced to the beer allowance in January last and to distressed by furnishing himself with tea and sugar for breakfast.

Milk

Mr. Marley swears that he got bad milk.

Mr. John Rourke. The milk is bad in its quality.

Water

Mr. Philip Long swears the water was for seven or eight months putrid, positively stinking; it was heretofore mixed with the sewers and excrements.*

Attendance and service of food.

Mr. John Patten† swears that the distress offices of the room are to be done by the same person who brought them their food. The man who attends him was under judgment of death. In respect to himself he has suffered from the filth of the room and bad attendance.

Mr. John C. Hickson. Their attendants are convicts, and only one or two allowed to every forty persons. Has seen them bring the victuals while the perspiration was dropping from their faces into the dishes. The provisions were brought up to a table in the corridor, and then each prisoner was suffered to go out individually and take his share so that when the last of the prisoners came to help themselves, their share was cold. Has often seen the turnkeys (whilst one prisoner was retiring and another letting out to the table) tear the victuals and take them to themselves.

Mr. James Tandy. They had a bucket for the service of nature, placed in an old chest almost adjoining to their eating table in the corridor.

*The drinking water served Mr. Emmet was of this character.
†The brother-in-law of Mr. Emmet.

him to tell truth. You have suborned your turnkeys to swear falsely against prisoners; and these wretched tools, who were pensioned soldiers, were threatened by you with the loss of pension if they did not do their *duty*. Such was the magistrate! but the times are changed, ZENDONO! a *revision of the magistracy* will shortly be adopted, the trading incendiary will no longer contaminate the commission, and in the magistrate we shall at length respect the man. The hungry locusts, who "cover and devour" us, those retailers of injustice, who spread like a pestilence throughout the island, who know the foundation of the edifice, will soon run into "the whole of the multitude", be trampled on, and forgotten. What a lamentable fact, that such reptiles should influence the public welfare! "As to great oppressors", says Pope, "they are like kites or eagles; one expects mischief from them; but to be squirted to death by *apothecaries' apprentices*, by the understrappers of undersecretaries to secretaries, who were *no* secretaries—this would provoke the dullest bishop on the bench".

I HAVE indeed heard of secretaries who were just and honourable men; I have heard of right honourable secretaries, who were men of talent; but I have also heard of those, who were neither right honourable, nor honourable, nor men of talent, but who, having been briefless barristers, and originally sprung from nothing, amassed 90,000l. by the plunder of office. Such men *have been;* but, in the honest sincerity of my heart, I am proud to offer my humble tribute of justice to the integrity and talent of the present Irish Minister.

AS INQUISITOR of Kilmainham, how indefatigable were your labours! Had half your perseverance, in persecution of the prisoners, been employed in providing for their comforts, your name would have been announced with blessings, not with bitter maledictions. You would not now *skulk through the streets*, with ignominy on your back, and horror on your visage—unacknowledged and unnoticed, and greedy for a salutation: for, as insolence and servility are not incompatible, the *slave* now cringes to those men whom the *coward* had insulted.

How dark and clouded was your conduct! If your objects had been honest, why have recourse to secrecy and mystery? I ask you in the words of the immortal Fox, "Does the good man delight in involution, and a night of shade"?—"Not so", you may answer, but I am a SPY, and must be mysterious—I am a PECULATOR, and must dissemble—Honesty would be my ruin". Be it so—Inhabitants of *Fitzgibbon* Street, look to your neighbour.

Mark me, ZENDONO! Restore that money to the *living*, of which you robbed the *dead;* you defrauded the *brother*, you hunted him to his grave, and you plunder the surviving *sister*. In the dark transactions you plotted against the life of an innocent man, and you calumniated the Secretary upon your *oath*, by making him a conspirator. The sum was, by your account, lodged in the hands of the *minister*, who disbursed it as a reward for the fidelity of your hirelings, and the discovery of *your own plot;* but the whole sunk into the pocket of Peculation, and YOU were the plunderer. You thought that personal motives would forever preclude the demand of restoration, but I *warn you* to restore it; "consult the tranquillity of your life", and provoke not a public discussion of the facts—restore it *promptly*, and avoid the gulph which must otherwise devour the remnant of your character.

YOU, sir, must recollect the mysterious transactions of a certain day, when the cells, dungeons, and other apartments were kept locked for many hours; when not a single prisoner was allowed to walk out. You knew, for you afterwards declared so, their suspicions of a foul and murderous attempt, and yet you inhumanly exulted in their horrible apprehensions. What was the mystery? You stationed *lame Kearney* the robber in a waste place, which passed over the range of their apartments, where he remained for a fortnight; during which *he bored holes in the ceiling* to look down upon the prisoners, and to catch their observations! The *ear of Dionysius* is not a fable! Had you not men and boys constantly stationed in different parts of the prison, with pen, ink and paper, to take down every word that was uttered? Did you not employ your

creditor, the *hangman*, to listen at his post? And were not you, the *inquisitor*, actually discovered in that honourable occupation? Have you not been found stealing like a *spectre*, through the corridores and passages, and lurking in a corner, like a spider on his watch, shrinking behind the complexity and littleness of his web?—Did you not instruct the keepers accurately to note the conduct of prisoners, when the luxury of a necessary was allowed? And were not the hands of your slippery old pensioner, after searching for papers, seen reeking from the bath of Cloacina? On this subject you, as a *physician* and *statesman*, must surely have borrowed your system from *Swift*, who, though a churchman, was no fool. He speaks of a professor, who in order to discover plots and conspiracies against the government, advised *great statesmen*, such as you, "to examine into the diet of all suspected persons; their times of eating; upon which side they lay in bed; with which hand they wiped their posteriors; to take a strict view of their excrements, and from the colour, the odour, the *taste*, the consistence, the crudeness, or maturity of digestion, form a judgment of their thoughts and designs—because men are never so serious, thoughtful, and intent, as when they are at stool; and in such conjunctions, when the suspected person was considering which was the best way of *murdering the King*, his ordure would have a tincture of green, but quite different when he thought only of *raising an insurrection*, or burning the metropolis".

YOUR inquisitorial pursuits were merely subservient to purposes of *peculation;* and for this object it was necessary that the engine of persecution should be at work. As to *character*, it was beneath your notice unless your interest interfered. You separated prisoners lest your iniquities should be discovered by their enjoying social intercourse. When you wished to place your Philipstown gaoler in this *best regulated* prison, and to dispossess an honest man, you enraged and presented petitions from the convicts to the sheriff—you distributed *liquor* among them to promote disturbance—you thereby forced that honest man to introduce the military, and you basely took advantage of your own chicancery. The sheriff was imposed upon, and your hireling became gaoler.

PRAY, sir, did you never bribe the two convicts, *Doyle and Peter White*, who had been active in the disturbance, and were in consequence reinstated as attendants, to promote the *assassination* of certain prisoners? Did you not employ those men to encourage an attempt at breaking prison, and were not the military to come in and fire upon the deluded party? Did not Doyle counteract your intentions, by disclosing the infamous plot, and was he not immediately removed, in irons, to the transport ship? Guilty and callous as you are, you possess not the hardihood to deny the fact.—I know you well—your vigilance in *detecting your own* plot would, you imagined, have ranked you high in favour with government, have increased your authority in the prison, and furnished a pretext for tenfold severity.

WAS it by order of *government* that your third gaoler, at six in the morning, introduced to the cells, dungeons, and apartments, soldiers, with naked *bayonets*, and with this observation, "Now, soldiers, you know your duty!"—What but assassination could be expected by the prisoner, when these men approached his bed, and held the bayonets over him for two hours without the utterance of a single word?—at the end of which time your gaoler came with an additional party, seized on every paper he could find, and without permitting the prisoner to mark or number them, took them to you, the *inquisitor*, by whom they were kept for a month, and exposed to the inspection of every reptile in the prison. And all this, to discover, under the pretense of searching for treasonable papers, the author of a ludicrous *song*, which glanced at you, and which was chanted through the streets by some old women, whose melody procured them a state-lodging for three months.

ANOTHER introduction of the military was when you skulked in the kitchen of the gaol, and sent the *high sheriff* of the county, at the head of twenty armed soldiers, to the yard, *to enforce the regulations*, and bravely to push back the prisoners, at the point of the bayonet, to their cells, dungeons, and solitary confinement. His conduct on this occasion was not, I believe, very serviceable to him on the *hustings*. But the

manners of a gentleman, or the feelings of a man, can never be acquired from lottery prizes, books however numerous, nor binding however splendid. As to the *prisoners,* what was their crime? It was, after a year of brutal seclusion, that of seeking to support nature against the effects of bad food, by the enjoyment of *air, exercise, and social intercourse;* which you continued to deny, *contrary to the opinion and recommendation of the judges.*

AND here, I ask, was the situation of the prisoners rendered more comfortable by their *investigation?* Not so: and I beg leave, with all due respect, to convey this truth to the upright personages who then presided that your tyranny increased tenfold after the inquiry, as if in opposition to the ministers of justice, whose visits you considered as an insolent *invasion of your authority:* And I also assert, that your swearing before them was not to facts; and that you hererby practised a fraud upon their integrity. The absence of suspicion is in proportion to the purity of the mind, and by this criterion your matchless falsehoods had the credit of truth. There were circumstances of *cunning* and *baseness* attending your conduct at this investigation, which, in any other man, would be astonishing, but which are quite consistent in you. You chose the sheriff's *execution room,* because, in approaching it, the prisoner must behold the *apparatus of death.* You supposed they would intimidate or confound him; that the associations of thought, which the place must necessarily produce, would shake his firmness, and confuse his recollections. But the stinging and dreadful truths which you listened to from the balcony, must surely have convinced you how inoperative was the manœuvre; your visage, on the return of each prisoner, exhibited a bloodless picture of guilt, malignity, and horror, such as *Lavater* never analyzed, nor *Fuseli* ever painted.

How numerous were your avocations! You superintended the *embarkation of the convicts,* and the CRIMP gave dignity to the Doctor. How unwearied were you in seducing prisoners to become soldiers! You solicited, you threatened, and you bribed—upon land, and upon water—at *Newgate, Kilmainham,* and the *prison ship.* You were also an ENGINEER for erecting Kilmainham into a permanent state-prison—supplying certain works for that purpose—and you crowned your chimera by the expectation of being appointed governor. You were moreover the *officer of remuneration* for imprisonment; and faithful to your trust, you defrauded neither prisoner nor the government. As an instance, you must recollect the unlucky dentist, a Dane (not Jacob), who in attempting to draw the tooth of a magistrate, traitorously broke it, and was, in consequence, sent as a state-prisoner to Kilmainham. Did you not basely counteract this poor stranger's applications to the Danish consul, and to government? What your agreement was with him relative to his horse, I know not; but this I know, that you offered him *five pounds for six month's imprisonment, and for all his expenses to Copenhagen!* The history of Parson Adams was nothing to this.

As an instance of your humanity, your hireling, *by your direction,* forced a poor boy, who was confined to his bed with a fever, to rise at midnight, and to walk more than a mile from the prison, during winter—the boy was dead in less than a week.—You were the demon of persecution.—You refused to admit *clergymen of the established church,* though earnestly requested by several prisoners—whose *discharges* you kept in your pocket for weeks together, protesting all the time that you were using your interest with government for their liberation. Did you not declare that you would trample upon any petition which the prisoners dared to send the government? And did you not say, that any complaint urged against you was only complaining *of* the government *to* the government; in speaking of which, WE was the constant term of identity? *"Ego et rex meus!"* Wolsey had some claims—but such as *you*—the fly upon the wheel, thought he influenced its rotation!

WAS there any species of slander which you did not propagate concerning the prisoners? And were not the calumnies so cunningly circulated that they always seemed to come from some distant quarter? Impressions the most unwarrantable were made on the *government,* applications thereby rendered abortive, and the prisoner was injured in

its estimation, without the power of seasonably removing such impressions or of tracing out the *calumniators*.

WERE you questioned as to those facts, you would declare, *upon your honour*, that the whole was a malicious fabrication. ZENDONO, you are to be judged of, not by any insulated fact, but by the review of your general conduct; and do not those matters which I have stated form a series of consistency that sets invention at defiance, and suits no human being but yourself—and who *that knows you* will credit your denial? Have you ever been detected in speaking truth when a lie would serve your purpose? And if, perchance you have so stumbled, was it not the spasmodic sobriety of a sot or the veracity of him, "who", as Junius says, "never speaks truth without a fraudulent design". You would even deny the fact of *peculation*; you would deny the profit you had made as *baker* and *suttler;* you would deny that you had supplied your *own table through the medium of the state allowance;* you would deny the profits you derived from *chairs, tables, candles, coals, straw, flannel, beds and blankets,* which were never supplied to the prisoners, but which, with a *thousand other* articles, were regularly charged upon government; you would deny that when two prisoners went in the same coach, and with the same attendants, to the bath, that you had charged for separate coaches, and separate attendants; you would deny that, when *fourteen* pounds of meat were served up for *eighteen* men, you had charged government the whole of what they were entitled to; you would deny the *commutation of food for medicine.* But, in the name of the prisoner you had defrauded, and the public you had plundered, I beseech the government to investigate *the monthly* ACCOUNTS AND DISBURSEMENTS *for the state prisoners of Kilmainham*—to examine into the items, where even *farthings* were conscientiously accounted for—to indemnify *Kennedy,* the clerk, who was pensioned by you to prevent detection and discovery, and permit him, without reserve, to disclose the winding system of FRAUD AND PECULATION.

WE read, in *Delolme,* of a speaker of the commons, whose name was TREVOR, and who was expelled that house, "for having in a *single* instance attempted to convert the discharge of his duty into a means of private emolument". What then should be the punishment of that man, who, *for years, has,* under the mask of office, cheated the prisoner, and plundered the government? The sycophant is now before the public. A few of the charges are advanced and specified; if they are false the writer of these pages is a calumniator; *if true, let the state look to the delinquent.* BUT I CHALLENGE INQUIRY.—And in those lines of *misrepresentation,* when local disturbances, and individual atrocities, are tortured, and magnified into sedition; when *trading magistrates,* and *disappointed parasites,* are propogating alarm, and, welling the outcry of disaffection, it well behoves the UPRIGHT VICEROY, AND HIS ABLE MINISTER, to guard against the incendiary, who, like you, would renew the reign of terror, when the whip ploughed the back of the sufferer, and waved in bloody triumph through the land; who would suspend the glorious privileges of our birthright, and indiscriminately send, without remorse, the guiltless and the guilty to "the silent and inglorious sufferings of a gaol", or the display of a public execution. But, we trust in the councils of presiding wisdom, and our PALLADIUM is the GOVERNMENT.

VINDEX.

AUTHOR'S NOTE

It will never be known to what extent Mr. Emmet suffered during the six weeks of his solitary confinement. The fact that the prisoner seemed to be without friends, as no one had come forward to save him from suffering by bribing his keepers, would have been sufficient to have roused the brutal instinct of those in power about him to the exercise of every species of insult upon a helpless prisoner, in retaliation for their loss of a perquisite.

The writer found the following fragment among his papers, of the history of which he is ignorant. As the article was from some Irish or English newspaper and written before Mr. Emmet's death, it may have been given him by Dr. Madden, among other newspaper clippings received from him in 1880. He may not have utilized it because of its condition. There remains sufficient of the article, however, to show the conditions existing in the Irish prisons. In 1798 Kilmainham was considered to be the best managed, so little complaint did the public hear from the prisoners, who, as a rule, either died in prison or were executed.

In the prisons, well-born and refined men like Thomas Emmet suffered cruelly. The cells were crowded and unhealthy, the jailers insolent and cruel. There was no discipline, and the thieves' orgie was interrupted only by the tolling of the death-bell. In such a den the brave wife of this sincere but misguided man immured herself for twelve months, refusing to go out unless dragged away by force; only once stealing out at night, and in disguise (by the connivance of the jailer's wife, whose rough nature she had softened by her tears), to visit a sick child, for whom her heart was almost breaking. The sufferings of his brother and his brother's wife no doubt increased [Robert] Emmet's hatred to the existing government more even than all the sabrings and platoon firing in Wicklow and Wexford. The Union Bill passed in 1801, after Grattan's scornful and passionate invectives; and Lord Castlereagh's triumph and cold arrogance frenzied the United Irishmen, and drove such men as Emmet to believe in open insurrection as their only hope.

As Mr. Emmet's nature was a fearless one, and he would have held these attendants in profound contempt, he certainly made no effort to conciliate them and in consequence was the greater sufferer.

Dr. Macneven survived Mr. Emmet some years and for several days shortly before his own death he seemed to be passing in review through his brain, a remembrance of the experience of his early life. Turning suddenly to his son-in-law, Mr. Thomas A. Emmet, the Doctor, without a prelude, expressed the opinion that Mr. Emmet's father had suffered, he believed, far more during his solitary confinement than he ever acknowledged. He then stated that after Mr. Emmet's release he admitted to him that he had suffered to some degree, but passed it off as of little consequence. Dr. Macneven also mentioned that some years after their arrival in this country, he had incidentally made reference to Mr. Emmet's confinement through curosity to obtain some additional knowledge. Mr. Emmet, then a strong man and noted for his self-control, suddenly became blanched—as if about to faint, and an involuntary shudder shook his body. In a moment he regained his self-control, but the subject was never referred to again.

Mr. St. John Mason, after his release from prison, made every effort, with the aid of Richard Brinsley Sheridan, then a member of Parliament, to have the whole subject of the treatment of prisoners considered. It came under the consideration of a competent Parliamentary committee and a radical change was at least temporarily effected, and a large volume was published containing all the evidence obtained under oath. From this volume Mason made extracts to form the book issued by him, bearing the title page just printed. The published report was not one for general circulation and it was difficult to find a few pages which could be presented with propriety in the wish to show the reader the treatment received by the prisoners under the most favorable circumstances.

The failure to find in this mass of evidence that of any one who had been subjected to solitary confinement makes it evident that either Mr. Emmet was the only prisoner who had for years been subjected to solitary confinement, despite all the cells built for that purpose under Kilmainham, or he was the only prisoner who survived that ordeal. It has been constantly charged that in every jail in Ireland there was always some one retained whose special business was to put out of the way all prisoners whose existence was not desirable to the Government and where it was not advisable even with a packed jury to attract attention of the public with

a trial. Such an instance was referred to in the sudden death of Oliver Bond, mentioned in the first volume. There was always a large mortality among the political prisoners confined in every jail in Ireland. But there was also attached to every prison an individual to investigate the cause of deaths, so that the public was promptly informed after each investigation that death had resulted from natural causes, and solitary confinement, with its attending consequences, may have been considered by these experts a natural cause.

The third investigation, as the first at which more than one person testified, is the only one given. T. A. E.

PEDRO REDIVIVUS

PRISON ABUSES IN IRELAND

EXEMPLIFIED

BY DOCUMENTS SETTING FORTH THE OPPRESSIONS

AND ATROCITIES

OF

DOCTOR TREVOR

AND HIS ASSOCIATES

As Practiced upon State Prisoners of Kilmainham;
which Oppressions are Alleged to have Been
committed
by
Order of Government
During the Earl of Hardwicke's
Administration in Ireland
Selected by
St. John Mason, Esq.
Barrister at Law
and Dedicated
to
The Right Hon. R. B. Sheridan

"If truly stated, the Treatment of these Prisoners is a disgrace to all civilized government".

Peter Moore, Esq., M.P. (Speech in Parliament)

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PEDRO REDIVIVUS No. 3.

INVESTIGATION.

"I find that limited and imperfect as the investigation was, the report exhibits severe and wanton cruelties to have been imposed upon the unhappy prisoners, wholly unnecessary to safe custody, wholly unprovoked by any alleged breach of jail discipline, and wholly in defiance of the lenient spirit and meaning of the British Constitution".

Letter of Peter Moore, Esq., M.P., to the Earl of Hardwicke, August 16th, 1806.

On the 16, 17 and 18 of July 1804, an investigation was held in Kilmainham

Prison, before the Rt. Hon. the Lord Chief Justice Downes, the Hon. Judge Day, and the Hon. Judge Osborne; three Judges of the King's Bench in Ireland, whereat about thirty State Prisoners gave testimony, upon oath, respecting the Mal-administration of said Prison as conducted under the management and direction of Doctor Trevor. A report of said investigation was printed by order of the House of Commons 26th April, 1895, from which are taken the following selections of the depositions of the State prisoners before the said Judges.

Kilmainham Prison,
July 16 &c 1804.

Present, Lord Chief Justice Downes, the Hon. Judge Day and the Honourable Judge Osborne.

The State Prisoners were individually sworn, and gave testimony respecting the following matters, viz. Food, Attendance, and service of Food. Hangman an attendant. State Allowance, reduction and deprivation of by Dr. Trevor. Close confinement and capricious confinement of Prisoners. Privy; Difficulty of access thereto, and overflowing thereof. Visitors, Letters, State Prisoners put among felons, General Malevolence of Dr. Trevor.

Food, Meat &c.

Mr. (John) Patten, Swears that their food is bad in quality.

Mr. (John C.) Hickson has frequently got very bad provisions, victuals of the worst quality; they got no vegetables till within the last four months, except potatoes, but the potatoes were very bad.

Mr. (Nicholas) Gray, Complains of the quality of the meat.

Mr. (James) Tandy, Meat bad, sometimes putrid, no vegetables in the winter, but potatoes, and they bad. The other day their meat must have been brought from Carrion-Row. Mr. James Dixon is in the same room with Mr. Tandy; but he has permission to ride out, and therefore did not join in the memorial, but had authorized him to say that his report of the quality of the meat is the same as the other prisoners.

Mr. (St. John) Mason. Bad meat, and during last winter salt meat, and in a putrid state; the prisoners frequently represented it to Mr. Trevor and Mr. Dunn, but their complaints have not been attended to; they have had cabbage that was stinking, till within four or five days ago they had old potatoes, and those very bad; vegetables very seldom and very scanty.

Mr. (Philip) Long. The treatment, in point of food cannot be worse; putrid meat and want of vegetables; last winter was kept on salt meat and bad potatoes.

Mr. (Henry) Hughes. The quality of their food is very bad; Messrs. Hughes, Palmer and Carle have often dined together, and did not get enough meat, have complained to Mr. Trevor and Mr. Dunn, but have not been redressed.

Messrs. (David) Brophy, (Daniel) Dolan and (Wm.) McDermott, have often got bad provision.

Mr. (Edward) Kennedy—Meat sometimes scanty, sometimes very bad; at the table provided for the prisoners; saw at different times, the meat unsound, and nothing brought in its place.

Mr. (——) Scully, Meat of the worst quality was given to them sometimes and when they sent it back they got no more till the next day. Often did not get enough to eat.

Mr. (John) Galland, meat of bad quality.

Mr. (——) Dalton. The diet is bad.

Mr. (——) Marlay. The diet he gets is sufficient to poison him; the beef this day stank.

Quality of Food

Bread

Mr. Philip Long swears that the bread is occasionally very bad, it was bad, very bad, yesterday; the bread is musty and made of damaged flour.

Mr. (Henry) Hughes. The bread is generally unfit for use, appears to be steeped in water.

Mr. Kearney, The bread is often bad.

N. B. Christopher Duff, Baker, begs to be forgiven, and promises in future to supply good bread.

Vide Mr. James Wallis' statement, No. 5, under head Dr. Trevor, Baker of Kilmainham.

Butter

Mr. Henry Hughes, swears that the butter is bad and rancid.

Beer

Mr. Marley, swears that he gets small beer for breakfast.

Mr. John Burke complains that he was put upon allowance of beer which he was not accustomed to.

Mr. Scully, Beer for breakfast. He complained to Dr. Trevor that beer did not agree with him. But Dr. Trevor told him that if he complained he would be removed to the other side of the gaol, viz. The Felons' side.

Mr. Edward Kennedy, Got a pint of small beer, and some bread for breakfast; the class of prisoners he belonged to got the same.

Mr. Michael Nowlan, complains that he was reduced to the beer allowance in January last and to distressed by furnishing himself with tea and sugar for breakfast.

Milk

Mr. Marley swears that he got bad milk.

Mr. John Rourke. The milk is bad in its quality.

Water

Mr. Philip Long swears the water was for seven or eight months putrid, positively stinking; it was heretofore mixed with the sewers and excrements.*

Attendance and service of food.

Mr. John Patten† swears that the distress offices of the room are to be done by the same person who brought them their food. The man who attends him was under judgment of death. In respect to himself he has suffered from the filth of the room and bad attendance.

Mr. John C. Hickson. Their attendants are convicts, and only one or two allowed to every forty persons. Has seen them bring the victuals while the perspiration was dropping from their faces into the dishes. The provisions were brought up to a table in the corridor, and then each prisoner was suffered to go out individually and take his share so that when the last of the prisoners came to help themselves, their share was cold. Has often seen the turnkeys (whilst one prisoner was retiring and another letting out to the table) tear the victuals and take them to themselves.

Mr. James Tandy. They had a bucket for the service of nature, placed in an old chest almost adjoining to their eating table in the corridor.

*The drinking water served Mr. Emmet was of this character.
†The brother-in-law of Mr. Emmet.

Mr. Nicholas Gray—Has complained of the uncleanly service of their victuals to Dr. Trevor but he has laughed it off.

Mr. Henry Hughes—The attendance has been exceedingly bad, only one attendant to sixty people who were locked up in cells for four or five months. The manner of serving their victuals is really shocking; have but one attendant for that purpose and he is the person who cleans their room.

Mr. Daniel Brophy. Bad attendance. The salad brought up in the man's hand and thrown on the table without a plate.

Mr. St. John Mason. The bread brought up by a person in his hand and without a plate, and then thrown on the table.

The Hangman as an attendant.

Mr. Mason swears that the Hangman of the gaol brought up water and messages to the prisoners.

Vide No. 22

State Allowance, Reduction, and deprivation thereof By Dr. Trevor.

Mr. John Patten swears that he believes what the prisoners got was equal to 1s. 10d. or 1s. 11d. each; not more than two shillings, if the victuals were of good quality,

Mr. James Tandy. Their allowance could not cost more than 1s. 11d. per man.

Mr. Hickson, heard Dr. Trevor say that he got the allowance of five shillings per day reduced to three shillings. Thinks they do not receive more than to the value of 1s. 10d. or 1s. 11d.

Mr. (——) Finny, complains that he has not got the government allowance, from the time of his committal in September last till November.

Mr. Hugh Byrne complains that he was put on the gaol allowance for fifteen weeks and two days.

N. B. It appears from the above report, P. 8, that thirteen prisoners were for a long time deprived of the State allowance.

Close confinement and capricious distribution of Prisoners.

Mr. John Patten, swears that the prisoners are kept closely locked up in their rooms, save during the hour of exercise.

N. B., Generally two hours out of the four and twenty.

Mr. Hickson, for the first four months he was confined in a cell of seven feet square, so dark he could not read or write.

Dr. M. Ferrell, The separation and close confinement are capricious. Those confined in the same room are not permitted to exercise together.

Mr. Hughes, Persons who sleep in the same room are not permitted to dine together, or speak together when at exercise.

Mr. Mason, Some of those in the same room are not permitted to air and exercise together.

Mr. Long, Has been in solitary confinement (to his room) since last August, swears that he entertains no sentiment, wish or opinion which would in any manner preclude him from the indulgence shown to other prisoners.

Privy

Difficulty of access thereto &c.

Mr. Hickson, swears that the prisoners experience great distress in not having access to the necessaries.

Mr. Gray—The keys of their apartments being only entrusted to one person occasions great distress in getting out on necessary occasions.

Mr. McDermott, states the inconvenience in not having access to the necessary.

Mr. Tandy. They often rapped for two or three hours before they got to the necessary. They had a bucket in the room in which they relieved themselves. They complained of it and the bucket was removed to an old chest almost adjoining the eating table in the corridor. The bucket served eighteen or twenty men. Was refused admission to the necessary yesterday. Mr. Hickson was obliged to force himself out of his room to get at the necessary yesterday evening.

Mr. Mason was one of four in the same room, and they were obliged to perform the office of nature in their room, before each other.

Overflow of Privy.

Mr. Hickson swears he was by Dr. Trevor's orders, removed into a place from which he could not pass but through the overflowing of a necessary, so as to wet his feet.

Mr. Tandy, was confined in a cell where the overflowing of a necessary came to his door, he waded above his ancles through human excrement. Dr. Trevor was frequently in his room and saw his situation. He remained in that situation for six weeks to two months.

Mr. Mason, The necessaries overflowed into the corridors, so that the prisoners walked through the excrement to eat their dinner.

Visitors

Mr. Tandy swears that though he was ill his wife was not allowed to see him except on the stated days, Mondays, Wednesdays and Fridays, and then only for fifteen minutes each day in the presence of an attendant. His wife wrote to Dr. Trevor for leave to see him on other days; his answer was, that it was contrary to the regulations and refused her permission even for two minutes.

Mr. Palmer, is deprived of seeing his family save in the presence of an attendant, and only then for fifteen minutes at a time. His mind is so engaged with regret at not seeing his children that he does not think of anything else.

Letters.

Mr. Hughes, swears that one grievance is, that the prisoners cannot get any answers to their letters to the Castle. Dr. Trevor is the medium through which their letters are sent, but they do not get any answers. Many letters to the prisoners are opened by the turnkeys. Mr. Murray's letter to a lady in England was shown by the turnkey, George Dunn, to three of the state prisoners in his, Mr. Hughes', room.

Mr. Mason complains that his letters have been kept back by Dr. Trevor and that he still detains them. His letters have been opened by George Dunn, the turnkey.

State Prisoners put among felons.

Mr. Dwyer swears he had no altercation with Dr. Trevor and was put into the criminal side of the gaol. Dr. Trevor says Dwyer was pert and he put him on the criminal side.

Mr. Scully complained to Dr. Trevor that beer did not agree with him for breakfast, but Dr. Trevor told him if he complained he would remove him to the felons' side of the gaol.

N. B. Thirteen State prisoners were, for a considerable time, put among the felons, and deprived of the state allowance. Vide—Nos. 16 and 17—

General malevolence of Dr. Trevor and Associates.

Mr. Long swears that he considered Dr. Trevor as the whole cause of the bad treatment of the prisoners. Conceives Dr. Trevor steeled against every tender and human feeling, and to act altogether under the impression of malignity. Believes Dr. Trevor counteracts the intention of government. The most active agent of Bonaparte could not do more to irritate the prisoners to madness than Dr. Trevor does. Thinks the removal of Dr. Trevor would be useful. Believes some threat of assassination has been held to every person in the gaol.

Mr. Tandy states that when he was ill his wife was refused permission by Dr. Trevor to see him alone for a few minutes, except on those days which the caprice of Dr. Trevor had appointed. Dr. Trevor refuses to suffer him to keep a bottle of water in his room.

Mr. Hickson has often, after his time of exercise, been obliged to drink cold water, in the presence of Dr. Trevor, the saving of the beer allowed at dinner having been taken away.

Dr. Farrell, Mr. Hughes and Mr. Coile, all swear that the grievances are imputable to the inspector. Dr. Trevor has promised redress, but he has not secured it.

Mr. Scully complained to Dr. Trevor that beer did not agree with him, but Dr. Trevor told him if he complained he would remove him to the felon side of the gaol.

Mr. Dalton was afraid to complain in consequence of what Dr. Trevor said to him.

Mr. Mason imputes to the private malevolence of Dr. Trevor all they suffer. Has had also serious apprehensions of his life. Since has been put into solitary confinement* and believes Dr. Trevor capable of putting him to death in the practical part of his profession as a Doctor.

Judges Report of the Investigation, July 16, 1804.

The index refers to the following:

Trevor put 5 stone weight of iron on Mr. Carthy, page 7-12.

Trevor put 56 lbs. weight of irons on Mr. Coile for 3 months, p. 101-102-142. He deprived 55 State prisoners of food for three days—page 139.

Trevor swears that all rigorous (treatments) were by order of the Government, P. 12. He imposed strict and rigid silence on Mr. Carty for more than a year, page 2.

Dunn, the gaoler, struck and knocked down a prisoner and kicked him violently, P. 48.

Dunn declared to the State prisoners that he had been employed for the intended assassination of prisoners P. 49.

In the Provost Prison 75 State prisoners were confined in a room 37 x 17 feet. Had neither table, chair, plate, knife or fork.

Trevor put enormous irons on State prisoners, Page 120, 138. He strips Mr. G. Byrne, a State prisoner, stark naked before all the felons, Page 59.

Death of James, the father of Anne Devlin, Page 105.

Trevor once insisted that prisoners should clean their own knives and forks and wash their plates &c though there was no other vessel to wash them in but the urine buckets, p. 83.

*It is not believed that Mr. Mason was deprived of sunlight or more than cruelly treated in his room, but with the exception of Mr. Emmet probably no other prisoner was more brutally treated than Mr. Mason and survived.

Above all things, they (the Irish leaders) should endeavour to secure for the Irish Nation a character for truthfulness. We can never lay claim to moral dignity, until all men shall implicitly believe that we mean what we say, and will do what we promise.
William Smith O'Brien—1847.

Note XIV

[See Vol. I—Page 385.]

NAPOLEON'S ANSWER TO EMMET'S MEMOIR

Copy of the First Consul's Answer to T. A. Emmet's Memoire of 13th Nivose, delivered to me 27th Nivose.*

Le Premier Consul a lu avec la plus grande attention, la mémoire qui lui a été adressée par M. Emmet le 13 Nivose.

Il désire que les Irlandais Unis soyent bien convaincus que son intention est d'assurer l'indépendance de l'Irlande, et de donner protection entière et efficace à tous ceux d'entre eux, qui prendront part à l'expédition, ou qui se joindront aux armées Françaises.

Le Gouvernement Français ne peut faire aucune proclamation avant d'avoir touché le territoire Irlandais. Mais le général qui commandera l'expédition sera muni de lettres scellées, par lesquelles le Premier Consul déclarera qu'il ne fera point la paix avec l'Angleterre, sans stipuler pour l'indépendance de l'Irlande, dans le cas, cependant, où l'armée aurait été jointe par un corps considérable d'Irlandais Unis.

L'Irlande sera en tout traitée comme l'a été l'Amérique dans la guerre passée.

Tout individu qui s'embarquera avec l'armée Française destinée pour l'expédition, sera commissioné comme Français; s'il était arrêté, et qu'il ne fut pas traité comme prisonnier de guerre la représaille s'exercera sur les prisonniers Anglais.

Tout corps formé au nom des Irlandais Unis sera considéré comme faisant partie de l'armée Française. Enfin, si l'expédition ne réussissait pas et que les Irlandais fussent obligés de revenir en France, la France entretiendra un certain nombre de brigades Irlandaises, et fera des pensions, à tout individu qui aurait fait partie du gouvernement ou des autorités du pays.

Les pensions pourraient être assimilées à celles qui sont accordées en France aux titulaires de grade ou d'emploi correspondant, qui ne sont pas en activité.

Le Premier Consul désire qu'il se forme un comité d'Irlandais Unis. Il ne voit pas d'inconvenant à ce que les membres de ce comité fassent des proclamations, et instruisent leurs compatriotes de l'état de choses.

Ces proclamationes seront inserées dans *L'Argus* et dans les différents journaux de l'Europe, à fin d'éclairer les Irlandais, sur le parti qu'ils ont à suivre, et sur les espérances qu'ils doivent concevoir. Si le comité veut faire une relation des actes de tyrannie exercés contre l'Irlande par le Gouvernement Anglais, on l'insérera dan *Le Moniteur.*

*From the papers of Thos. Addis Emmet. The pledge Napoleon made to the Irish people, through their agent Mr. Emmet, he failed to keep.

Note V

(See Vol. I, Page 408)

THE DEFENCE

OF WILLIAM S. SMITH, BY THOMAS ADDIS EMMET

GENTLEMEN OF THE JURY: I assume it as a fact, which cannot be denied, and which is clearly to be inferred from the manner of conducting these proceedings, as well as from the parties who appear against the defendant, that this is emphatically a State prosecution. Impressed with a conviction of that fact, I did not think, at the commencement of this court, that it would have become my duty, during its sitting, to address a jury; for when the defendant came forward and averred upon oath, that he had acted with the knowledge and approbation of the Executive; when he threw down the gauntlet of investigation on that point; when he indicated, as the witnesses, by whom he meant to prove his assertion, the very heads of departments themselves; when he made the utmost exertions to procure their attendance, and avowed his intention of appealing to their oaths, I confess I believed that the public prosecutor would not have deemed it conducive to the honor of his cause, or the exalted character of the Executive government, to urge on the trial of this State prosecution, till those witnesses, whose presence we have not been able to procure, and whose absence is attributed, without contradiction, and upon oath, to that very Executive had come in and deposed as to the facts alleged in the defendant's affidavit. I thought that the magnitude of those considerations would have overpowered the littleness of legal discussions; and that this cause would have been postponed by common consent, until it could be brought forward with all its circumstances; and a jury, and the world at large, enabled to form a correct judgment of the nature and justice of this prosecution. But it has been thought advisable to pursue a different line of conduct. We are forced on to trial, without the benefit of our whole means of defence; our witnesses are wilfully absent; our testimony is maimed and mutilated; we are tied and bound, and cast into the furnace; but still we hope that you, like the angel of God, will walk with us through the fire.

You, gentlemen, are taken from the mass of your fellow-citizens; it is, therefore, natural to apprehend that you may be influenced by those prejudices and misconceptions, which have been disseminated through the community; and it becomes my duty to endeavor to remove them. Against General Miranda, and the object of his expedition, I have heard and read some malignant calumnies, which only could have originated with mean and mercenary beings, who never yet sacrificed a selfish feeling to a public principle; whose hearts never sympathized with the sufferings of a slave; nor swelled with the mighty hope of delivering a nation. The district attorney, in his opening address to you, did not permit himself to adopt those calumnies in their entire extent; he is incapable of doing so, for his sentiments are liberal, and his manners mild. Sufficient, however, fell from him, to give to them somewhat of color and countenance, and to enlist your passions and prejudices against General Miranda, and all concerned in his expedition, among whom he charges the defendant with being one. In particular, I remember, he termed Miranda a fugitive on the face of the earth, and characterized the object of the expedition as something audacious, novel and dangerous. It has often struck me, gentlemen, as matter of

curious observation, how speedily new nations, like new-made nobility and emperors, acquire the cant and jargon of their station. Let me exemplify this observation, by remarking, that here, within the United States, which scarcely thirty years ago were colonies, engaged in a bloody struggle for the purpose of shaking off their dependence on the parent state, the attempt to free a colony from the oppressive yoke of its mother country, is called "audacious, novel, and dangerous". It is true, General Miranda's attempt is daring, and if you will, audacious: but wherefore is it novel and dangerous? Because he, a private individual, unaided by the public succor of any state, attempts to liberate South America? Thrasybulus! expeller of the thirty tyrants! restorer of Athenian freedom! wherefore are you named with honor in the records of history? Because, while a fugitive and an exile, you collected together a band of brave adventurers, who confided in your integrity and talents—because, without the acknowledged assistance of any state or nation, with no commission but what you derived from patriotism, liberty and justice, you marched with your chosen friends, and overthrew the tyranny of Sparta, in the land that gave you birth. Nor are Argos and Thebes censured for having afforded you refuge, countenance and protection. Nor is Ismenias, then at the head of the Thebean government, accused of having departed from the duties of his station, because he obeyed the impulse of benevolence and compassion towards an oppressed people, and gave that private assistance which he could not publicly avow.

Of General Miranda it is true that he has been a wanderer from court to court, like Hannibal, supplicating assistance for his country. He served in Florida, as your ally, during your revolutionary war; and there, from becoming interested in your contest, from contemplating the prospects that were opened to you by the possession of independence, he first conceived the project of emancipating South America. From your own altar he caught the holy flame, which has since inextinguishably burned within his bosom; which has driven him from his home, his family, his social circle, and domestic endearments; which has marked and checkered his past life with misery and misfortunes; but which I hope will, hereafter, make him the illustrious instrument of redeeming from bondage a noble country, highly favored by nature, but desolated by man—a wretched country, in which the blessings of heaven wither before the touch of tyranny.

When the armies of France seemed to be the vanguard of liberty in Europe, we find Miranda among her most distinguished generals. From the rulers of that republic he received promises and assurances of assistance for his long-meditated project; but alas, gentlemen, the promises and assurances of governors and rulers are only calculated to deceive those who confide in them to their ruin. Spain, having made peace with France, asked for the sacrifice of Miranda; and it seems, gentlemen, that when two nations are at peace, if one of them asks from the other for the sacrifice of an individual, the demand is irresistible. Miranda was dragged before a revolutionary tribunal; but that body, composed on somewhat of jury principles, feeling, as I hope every thing partaking of the nature of a jury always will feel, indignation at being made the instrument of such an abomination, loosed and liberated the devoted victim.

From France he passed over to England;

> But to his country turned with ceaseless pain,
> And dragged, at each remove, a length'ning chain.

In England, had General Miranda consented to a transfer of dominion over his country, and to its being subjected to the British crown, he might have arrived to the highest military honors and fortune: but this man, who is accused of being a political intriguer, rejected with disgust the proposals of that intriguing cabinet, and took refuge in America—"the world's best hope".

Here, having soon perceived the clouds which were gathering in our hemisphere,

he fondly hoped that the storm would roll towards the Andes, and that the thunder of heaven was at length about to burst upon Spanish domination. With what assurances or promises, with what hopes or expectations he left our shores, it is not, perhaps, permitted to me to assert; but if his object be to give happiness to the wretched, and liberty to the slave, may he fulfil for his country the omen that is contained in his name—a name that surely indicates no common destiny. For in whatever clime the contest is to be carried on; whoever shall be the oppressor of the oppressed, may the Almighty Lord of Hosts strengthen the arms of those that fight for the freedom of their native land! May he guide them in their counsels, assist them in their difficulties, comfort them in their distresses, and give them victory in their battles!

Respecting the character of the defendant, Colonel Smith, it is surely unnecessary, gentlemen, for me to trouble you with many words. He is an old revolutionary officer, that fought under the eyes, and lived in the family, of the illustrious Washington, whose honorable certificates he bears, as the monuments of his fame. The war for independence, that kindled in him and General Miranda the same love of liberty, by its consequences connected them in the strictest friendship. It is, therefore, natural to suppose, that Colonel Smith may have become acquainted with many of the secret wishes and views of Miranda; but for whatever part he may have taken, if, in truth, he has taken any part in promoting the expedition of which you have heard so much, and whatever may be your verdict, he has already suffered the anticipated punishment of removal from an office, which, to an examplary son, brother, parent, husband, and friend, was the sole support of himself and family.

I have thought it necessary, gentlemen, to premise these observations for the purpose of removing any unfavorable impressions, under which you may have hitherto labored; and also because I trust they will induce you to scan, with a severer scrutiny, any allegations of criminality in men, whose objects and conduct, even as imputed to them, when judged of on the broad and universal principles of human rights, of morality and justice, and when estimated by their tendency to promote the improvement or happiness of mankind, must appear essentially meritorious and honorable.

It is not, however, gentlemen, exclusively on these broad and universal principles, that you are required to decide this cause. The indictment rests on more circumscribed and partial foundations, which, although they will not receive equal respect from the world at large, and will probably never be thought of by posterity, must still be submitted to your peculiar attention. The indictment is framed on a certain statute* of the United States, concerning which, permit me to make a few preliminary observations. This statute, when first enacted, was merely temporary, and for a very short duration. The attorney-general, in his opening, stated the present to be the first trial that has taken place on this section of the law, and that it was enacted to prevent certain enterprises set on foot by M. Genet, at that time the French minister, in favor of his own government. A somewhat different history of the law has been this day given, by which it would appear, that expeditions, similar to the present, were not within the contemplation of the legislature; it has been stated, and I believe correctly, that this law was made with a view to certain land expeditions, then forming, under the influence of French counsels, within the boundaries of the United States, against the Floridas. And it must be confessed, that the words of the act most peculiarly and naturally apply to military expeditions, or enterprises by land; neither the word maritime, nor any other substitute for it, having gained admission into the law. If, however, the attorney-general's statement be correct, and that this temporary statute was directed against M. Genet, let the singular circumstances which marks this trial, be a beacon to warn political men

* The statute, here referred to, was passed June 5, 1794, and was entitled, "An act, in addition to an act for the punishment of certain crimes against the United States".

against the unnecessary making of severe laws, from temporary or party motives: for who would have thought, when this clause was enacted, in the vice presidency of Mr. Adams, with direct hostility to M. Genet, that the first person who should be tried under it, would be the son-in-law of Mr. Adams; and that the first judge, who should preside on such a trial, would be the brother-in-law of M. Genet! And while I hold up this strange coincidence, as a warning to statesmen against the abuse of temporary power, let it be a caution to you also, gentlemen of the jury, not to be induced, by occasional or party feelings, to give to such a law as this an overstrained or severe construction; for if you do, God knows how soon it may recoil upon yourselves.

We are told, however, that this statute is entitled to peculiar respect, because it is declaratory of the law of nations; and as some sentiments of that kind were expressed by the court, I feel inclined to treat them with the greatest deference. To me, however, I confess it does not appear that this statute has any characteristic of a declaratory law: it is temporary and penal; it fixes penalties not known to the law of nations, and in creating crimes, goes beyond that law; for it punishes the inchoate acts of parties, and almost their very intentions, although the law of nations confines its punishments to actual aggressions. If it were a declaratory law, wherefore should it be limited to a temporary duration? The law of nations is universal and perpetual; the fair exposition of its meaning should be so likewise. I have shown it was not intended to be perpetual; neither is it universal. What civilized state in the world has a statute similar to this? England has acts punishing crimes against the law of nations, but none in its nature or object analogous to this. America did very well without such a law, until a temporary circumstance, in the ebullition of party contest, gave it birth; and then Congress seemed to feel that in departing from the policy of other states, it was making a dangerous experiment; on no other principle can you account for its having limited the existence of the law to so short a period as two years. Neither is this statute necessary for enforcing the law of nations; that law is part of the common law of England and of the United States, and if any man offend against it, he may be punished, without the intervention of this statute.

The foregoing observation leads me to notice an argument urged yesterday, by the learned judge from Connecticut, who appears at this bar as a counsel for the prosecution. He facetiously jumbled together, the Medes, the Perses, the Elamites, the Syrians, the Egyptians, as the persons employed in Miranda's expedition; and having contended that from their want of commissions, they might, if taken, be executed by Spain as pirates, he necessarily inferred that they were also indictable under this statute. The force of that conclusion does not strike me; for I can easily conceive many cases of piracy, which do not fall within the purview of this law. Suppose Congress had actually declared war against Spain; even then the fitting out of a military expedition by private citizens, without a commission from government, would be piracy; but most assuredly it would be no offence against this act. From his argument, however, I should draw a very opposite conclusion, and urge on you, gentlemen, that as offences against the law of nations can be punished both at home and abroad without the intervention of this statute; as they are punished in every other country without the existence of any similar statute, you should not be called upon to give to it an extended interpretation, under pretence of enforcing the law of nations; but should, on the contrary, be careful to construe it strictly in favor of the accused: pursuant to the acknowledged principle, that all penal statutes are to be strictly construed.

Before you proceed to a minute examination of the testimony in this cause, while the host of witnesses that were examined, are passing in review before your minds, you must doubtless be struck with the immense chasm that is caused by the absence of those officers of government, and other persons, whose attendance we have fruit-

lessly endeavored to procure. Perhaps that very absence renders them more decisive witnesses in our favor. Tacitus, the Roman historian, speaking of the funeral procession of Junia, a noble lady, in which, according to the custom of her country, the images of her ancestors were displayed, but in which, from compliment to the existing government, those of Brutus and Cassius were studiously kept back, remarks that Brutus and Cassius were pre-eminent above the rest, from the very circumstance, that their images were not to be seen. So in the course of this trial, I trust you will feel that the most pre-eminent and important witnesses, those which in this State prosecution speak most conclusively to your consciences as honest men, are the heads of departments, and the other gentlemen upon whom we rested that broad defence, by which we were willing to abide and to disclaim any minute or strict constructions of the law. Now, however, that we are forced to take refuge within those minute and strict constructions, let me entreat you to keep in remembrance, that there is not only no moral guilt in the alleged expedition, with a concern in which we are charged; but that, when judged of by those unchangeable principles which we invoke, it is entitled to universal commendation; let me remind you that we are forced to answer this charge at the present moment under circumstances of very peculiar hardship; let me direct your attention to those adversaries of every description, which appear marshalled against us; and let me call upon you, gentlemen, appointed as you are to be a bulwark in favor of the virtuous and innocent, to stand for them between prosecution and punishment; let me require you to avail yourselves of that unquestionable right, which, in a free country, I hope a jury will always possess, and which in a State prosecution I hope a jury will always exercise, of deciding in criminal cases, both upon the law and fact. Nor will your doing so, in the present instance, impose upon you any very difficult task; for no complicated questions of law can now arise. There is only one principle to be kept in mind, that penal statutes are to be construed strictly, so as to prevent the penalty's being inflicted upon any one, who has not offended against the rigorous construction of the law. In making that construction, gentlemen, you would derive no assistance from an intimacy with legal learning; a correct knowledge of your mother tongue and of the ordinary meaning of the words and phrases used, is amply sufficient. No adjudged cases or precedents can be cited as to the interpretation of this act; no assistance can be derived from the exposition that similar laws may have heretofore received: for no similar law exists in England or elsewhere. The maxim, that penal statutes are to be strictly construed, is indisputable; under the guidance of that polar principle examine the act; apply the evidence to each of its clauses; and I am much mistaken if you do not find yourselves fully competent to form a correct decision, as to the meaning and application of the law, without embarrassment, or difficulty.

The attorney-general, in his opening address, adopted the arrangement which a perusal of the statute naturally suggests, by examining into the facts which are to combine together to constitute the crime, in the order in which they are found in the act. My associates have persued the same course; and it seems to me that you cannot adopt a better method of analyzing this law, and of examining whether all the facts that enter into the formation of the offence, be proved, than by considering every member of the sentence separately and in the order of construction. To proceed then thus, the defendant cannot be found guilty, unless it be proved to your satisfaction, that within the territory or jurisdiction of the United States, he began, or set on foot, or provided, or prepared, the means of an expedition, which must be proved to be a military expedition or enterprise; it must also be proved that such military enterprise was to be carried on from the United States against the territory or dominions of some foreign prince or state; and it must lastly be proved, that such prince or state was one with whom the United States were at peace.

As to the first point, that whatever was done, was done within the territory or jurisdiction of the United States, there is no dispute. But what proof have you

that the defendant either began, or set on foot the expedition, whatever it may have been? Colonel Smith, it appears, knew that Miranda had some plan to be put in execution; but the whole course of the testimony goes to prove that he declined being concerned in it, without the approbation of the President; how then can he be said to have begun or set on foot an expedition, which was planned by Miranda, and which the defendant would take no part in, till it was laid before and approved of by our executive? Besides, if you examine the facts in chronological order, it will be very apparent that Colonel Smith did not begin or set any thing on foot.

Captain Lewis and Mr. Armstrong purchased arms, &c., several days before Colonel Smith is alleged to have done any thing. Amidst the multiplicity of witnesses produced, none of them has said any thing about the defendant's beginning or setting on foot, and Fink is the first, and indeed the only one, who deposes any thing respecting his providing or preparing the means for the expedition, whatever its nature or object may be: let us, therefore, bestow upon him a few moments' attention. You will, I trust, agree with me, that very little weight is due to his testimony, when you reflect that a person was brought here, with whom he had negotiated, who was not made the dupe of his capricious and unauthorized lies. One was to carry the mail; another was to be of the President's guard—and so on. This man having implicated himself in a great mass of criminality, by entrapping the unsuspecting with falsehoods of his own invention, comes here to elude the punishment, which, from his wanton lies, he deserves better than any of the accused, and purges himself by swearing against Col. Smith; but I ask you, gentlemen, is such a man, so circumstanced, to be relied on against such a man as Col. Smith?

In order to probe the credibility of his witness, and to expose his motives clearly before you, I asked him, as you may remember, if he was not afraid of a prosecution, and he answered no; I then asked him why he was not afraid of a prosecution; the answer to that question I was not permitted to obtain. Let me, however, repeat it to you, gentlemen, why is that man not afraid of a prosecution? His conduct, as confessed by himself, not only lays him open to it, but his aggravated impositions seem to demand it. Why, then, after so many indictments have been preferred and found on this subject, is he not afraid of the punishment due to his misconduct? Either because he has made an absolute contract for impunity, if he gives important evidence, and then he stands here as an accomplice turned informer, the most odious and questionable witness that can be produced: or, if he has not made such contract, he hopes at least, that by fixing the offence on Colonel Smtih, he can withdraw himself from danger—and feels, therefore, the strongest and most direct interest in attaching the whole weight of culpability on the defendant. The question I proposed, until I was better instructed by the decision of the court, seemed to me to be one of the fairest that could be put, on a cross-examination; why any opposition was given to the witness's answering it, I cannot pretend to say; but that kind of protection afforded to an avowed approver, will perhaps assist you in deciding what degree of importance you will attach to his testimony.

I may be mistaken, but it appeared to me, as if there was a design of imputing to the defendant the misrepresentations of Fink as his agent; and that, therefore, all the men who had been entrapped were made to state those misrepresentations over and over again, with the view of rendering the defendant unpopular, and of fixing on him a considerable stigma; but let me ask you, gentlemen, is there the slightest reason to suppose that he authorized those misstatements? They are abhorrent from his nature and character; and surely it was not necessary that Colonel Smith should suggest untruths to Fink, in order to assist him in a project of kidnapping. That man's imagination seems to me to furnish sufficient funds, whenever he may think fit to draw on it, for a falsehood. A remarkable instance occurred of the attempt to fix this stigma on Colonel Smith, in the production of what is facetiously called the muster-roll. The heading of that paper, proceeded from the defendant, and after it

was gone through, these words, "for the President's guard," were significantly read as endorsement—but, on further inquiry, it turns out that the endorsement is not in Colonel Smith's handwriting; that it was put on after the paper had been given out of his hands, and in short, as I presume, that it is one of the witticisms of Mr. Fink.

This paper, however, is urged as evidence that Colonel Smith provided the men named in it, for a military expedition. Before I consider what was the object of the expedition, let me insist upon a fact, which is amply proved by the testimony before you, that the contract made with Fink, as the agent of Colonel Smith (even should you believe that suspicious witness), was rescinded by mutual consent; and that after the men were at entire liberty, they entered into a new contract with Captain Durning, under which they embarked—so that even supposing every thing said respecting the military nature of the expedition to be true, the defendant did not, in contemplation of law, provide the men who went in the Leander. In every criminal case there is a *locus pœnitentiæ*, and Colonel Smith profited by it. By annulling the first contract, he is released from all criminal responsibility—and he cannot be answerable for any new contract entered into by those men, with a stranger.

Let us now consider what evidence there is, that this is a military expedition. Commerce in arms and ammunition was unrestrained, and vessels allowed to arm themselves as they thought fit, when the Leander sailed for Jacquemel, in St. Domingo; with which island, a lucrative and beneficial trade has been for some time carried on. Moreover, all men are at liberty to leave the United States, and whether they are paid for going, or have subscribed their names to a contract, provided it be of a civil nature, the law is not broken. The gentleman, that furnished the ship and purchased the cannon, arms, and ammunition, which were taken out in the Leander, as well as many other merchants, was long in that trade; and now for the first time, the military nature of the cargo has been made evidence of a crime. It is fully proved to you, gentlemen, that the Leander sailed *bona fide*, and in fact, from this to St. Domingo; and that the persons, who went out in that vessel, were to be considered as passengers; and that after they arrived there, they were at liberty, if they thought fit, to return back. What evidence does this furnish of a military expedition's being fitted out from this port; even supposing that, at St. Domingo, when the defendant had no longer any connection with, or control over it, it may have assumed a military appearance? As between New York and Jacquemel, there is no evidence not perfectly reconcilable with commercial objects; and no further than that port, does the defendant appear to have any concern with providing, or preparing, or setting any thing on foot. The men who went in the Leander, went to St. Domingo as passengers, in a civil capacity; it was not until after their arrival there, that they exchanged their liberty for the submission of soldiers; and until they had consented so to do, men cannot be said, under the strict construction requisite for a penal statute, to have been provided for a military expedition. Therefore, on this point also, the evidence for the prosecution has failed to attach any criminality to Colonel Smith.

The next question that presents itself for consideration, taking the statute for our guide, is, supposing you have evidence enough, independent of extrajudicial rumors, to make you say the ultimate object of this expedition is military, yet does it come within the description of a military expedition to be carried on from the United States against any foreign prince? In order to make you perceive more clearly the importance of the words "from thence," in the statute, I shall follow the example of my learned friend who opened our defence, and read the section without those words, "if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise, to be carried on against the territory or dominions of any foreign prince," &c. If this were the law, it would undoubtedly comprehend the pre-

paring and providing within the United States, of the means for a military expedition; even though those means were to be transported from the United States to some other place, and the military expedition to be carried on, from that place, against the dominions of a foreign prince. Such is our case, if you should think it proved that the expedition was military; and were the law such as I have just read it, you would be forced, as far as relates to this point, to find against the defendant. But the legislature did not think fit to take cognizance of the transportation of warlike preparations from the United States to any other place, even though they were there to be used as the means for carrying on a military expedition against a foreign prince. It confined the penalties of the law to those cases where the military expedition was to be carried on, immediately, and in the first instance, from the United States; and therefore inserted the emphatic and restrictive words "to be carried on from thence;" that is, to sail directly from here against the foreign prince or nation. No such thing was done in the expedition under your consideration; for the Leander sailed with some arms and ammunition, and with some passengers, to St. Domingo. There, and not before, the passengers were, if they chose, to enter military service, and to receive commissions; if they did not choose so to do, they were to have their expenses paid, and passages provided for them back to the United States. At St. Domingo, also, the Leander was to be joined by the Emperor and Indostan, and two schooners; and the whole, when organized into a military expedition, was to proceed from thence against the Caraccas. This, however, it is said, is carrying on a military expedition from the United States against the Caraccas, via St. Domingo. Let me repeat the question already put by one of my associates; would an insurance on a voyage from New York to the Caraccas be violated by the vessel's going to St. Domingo? As merchants, you can answer that question. Why should going to St. Domingo affect the insurance? Because it is no longer the voyage insured: a voyage from New York to the Caraccas must be direct from one place to the other, and is not the same as a voyage from New York to the Caraccas, via St. Domingo. Remember, then, that a penal statute must receive a strict construction, and what would not be a fair and sufficient description, in a mercantile instrument, of an enterprise to be carried on from one place to another, cannot be sufficient to satisfy the strictness of a penal law.

But the force of our reasoning, on this point, is infinitely strengthened by the circumstances, that the Leander went to Jacquemel, not merely for the purpose of touching there, but to make all the military equipments, (as the very witnesses for the prosecution depose,) and to rendezvous with other ships, that were to be jointly concerned in the projected military expedition. Let us test this question, not only by the mercantile language of insurance, but also, (as the enterprise is said to be military,) by the military acceptation of words. Suppose a commander-in-chief ordered several detachments, from different points, to rendezvous at a particular place, and having made the necessary arrangements, to proceed from thence against an enemy's post. Suppose the English minister directed embarkations from Portsmouth, Falmouth, and the Cove of Cork, that they should severally proceed from those places to the island of Barbadoes, and having joined forces there, that they should make a descent upon Caraccas; would it not be an expedition to be carried on from the place of rendezvous, Barbadoes, for instance, and not from any one of the places whence the detachment proceeded? So in our case, the expedition was to be carried on, not from New York, from whence the Leander sailed, but from Jacquemel, where all the forces were to collect, by previous agreement, and from which the military departure for the Caraccas was to be taken.

Some other considerations place this matter beyond a doubt. It is proved that when the Leander sailed from New York, the arms, &c. were in such bad order that she was in no condition to undertake any military operations, and it further appears, that every person who went out in that vessel, whatever his expected rank might be, went as a voluntary passenger to a friendly island, where he was to be at liberty

to stay or return; or, if he preferred doing so, to enter into a military line, to enrol, and if he was an officer, to receive his commission. Surely, then, the friendly island, where the arms were to be put in proper order for military purposes, and where the passengers were to change their condition, and become soldiers, is the place where the expedition is to be considered as assuming a military character; and from that place you must consider it as carried on against the object of attack. The construction and force which I have given to those words, "to be carried on from thence," seem to me unanswerable; and in a case where so many motives should induce you to lean strongly towards an acquittal, you will rejoice at having found a resting place, on which your consciences may repose; and at the opportunity of absolving a man, who is free from moral guilt, and who, at the best, has been most rigorously dealt with.

There is yet another point for your consideration: supposing all the other requisites of the act to be established against the defendant, which is the very reverse of the truth, yet the expedition must be carried on against a nation "with whom the United States are at peace." This topic has already undergone so much discussion, that the force of our observations must have long since been impressed on your minds; I shall therefore be very brief. It is acknowledged that there are two kinds of war; one regularly proclaimed by the governments of two countries, and one actually existing de facto by the hostile conduct of one country against another. So peace, the opposite of war, must be capable of receiving two explanations. Now, keeping in remembrance the maxim I have so often impressed upon your minds, that penal statutes are to be strictly construed, and that every word, employed in describing the offence, is to be received in the sense most favorable to the accused, it necessarily follows, that, if one of the significations of the word "peace" will take the defendant's case out of the statute, that signification must be preferred. It would be sufficient for me to show, that, in common parlance, and the ordinary intercourse of life, that word is frequently used in the sense for which I contend. But I shall go further, and show, that even the Congress, which passed this law, has, in its legislative acts, employed the word in the same way. For that purpose let me request your attention to an act passed the 27th of March, 1794, chap. 12, entitled "an act to provide a naval armament," (vol. 3, p. 24.) It begins by reciting, that "the depredations, committed by the Algerine corsairs on the commerce of the United States, render it necessary that a naval force should be provided for its protection." The act declares no war; Congress did not exercise its constitutional function of declaring war; no power was even given to the President of making reprisals; but only an authorization to purchase or provide, and man four ships. The act then concludes, "that if a peace shall take place between the United States and the regency of Algiers, no further proceeding shall be had under this act." If a peace shall take place! Where was the war, without a declaration by Congress? How did it originate? Not in the manner indicated by the constitution; nor in the provisions of that law; but only in the depredations committed by the Algerines on the American commerce. Here, then, is a legislative acknowledgment, that depredations of that kind may destroy a state of peace; and that Congress sometimes use that word in a sense no way opposed to war declared according to the forms of the constitution. Please to observe, too, that this act was passed on the 27th of March, 1794, and that the law, on which the defendant is indicted, was passed on the 5th of June, of that year. We only ask you, then, to construe the word "peace," in the statute of the 5th of June, in the same sense that Congress manifestly employed it on the 27th of March preceding—as expressing a state which is destroyed, with respect to any foreign power, by the depredations of that power upon our commerce; and of course, by any unwarrantable hostile aggressions. But the counsel on the other side say, there cannot be war, under the terms of the constitution, unless it be declared by Congress. Here they intrench themselves; but how do they refute the conclusion, which results from the statute I have just alluded to? In truth, it seems to me, that

the constitution is very unnecessarily and incorrecly brought into this discussion; and that any inferences from it are perfectly inapplicable. That instrument was formed to prevent the encroachments of one branch of the government upon the others, and of all upon the people; but it had no reference to any thing except the limitation of the powers of the public functionaries. The President undoubtedly cannot, by his own authority, place the country in a state of war; but does it follow from thence, that any other country cannot destroy the state of peace between itself and us, by its actual aggressions? That is a thing de facto, not depending on the clauses of our constitution; and in that light it was considered by the Congress, which passed both this law and the law against the Algerine depredations. Suppose a military expedition had been fitted out by individuals, to be carried on from the United States, against the Algerines, during the existence of that law, would the district attorney have gravely contended, in the face of its last clause, that the regency of Algiers was at peace with the United States, because Congress had not formally declared war against it? The true construction of the statute, on which the defendant is indicted, I take to be this—it is meant to go further than the law of nations; but for whom? For those nations, whose unequivocal amity and friendly dispositions towards us, entitle them to something more advantageous than the bare benefit of the law of nations—those who preserve only a formal peace, while they are inflicting the injuries of war, do not deserve, and shall not enjoy the privileges which we confer, by our own code, upon sincerely friendly, and therefore favored states.

This brings us to consider what has been the conduct of Spain towards the United States. The district attorney admitted that he should be under the necessity of proving every thing that enters into the statutory description of this offence, and among other things that the United States were at peace with Spain. In the course of the trial, however, he has offered no proof of that disputable fact: not even by reading the magical words which compose the first article of the treaty of San Lorenzo. I beg leave, therefore, to propose to him this dilemma. Either there is no proof of which you, gentlemen, as jurors, can take cognizance, that the United States were at peace with Spain, and of course the defendant must be acquitted; or the state of the two countries, as to peace or war, is a matter on which the jury is warranted to form an opinion, from circumstances of public notoriety; and then, of course, the discussion of those circumstances of public notoriety is open to us; notwithstanding the court judged fit to reject, as evidence, the President's message and the public documents, by which we offered to prove the relative state of the two countries. In the absence of proof, on the part of the prosecution, as to the existence of peace, let me state a case by way of hypothesis. Suppose Spain had made encroachments upon our territory, had captured our citizens upon our own boundaries, and had committed depredations on our commerce, such as, by inference, constituted the Algerine war, could it be said that we were at peace under circumstances that Congress itself declared destroyed peace between the United States and Algiers? Has the testimony for the prosecution proved that a state of things different from this existed?—and it should prove every thing necessary for the conviction of the defendant. But it will probably be at present contended on the other side, that you may ground your verdict as to this point, on public notoriety—if so, I ask you, is it not publicly notorious, that what I have just now hypothetically laid before you, was in truth, the real conduct of Spain? The district attorney, in his opening speech, said that this prosecution was to do justice between Spain and the United States. By this statement I think he accurately arranged the parties concerned, and justly placed the United States on the side of the defendant. Spain is the prosecutrix; she has come into your courts, saying she was at peace, while she was making you feel the calamities of war. She asks from you the benefit of one of your own peculiar laws, such as is not to be found in the code of any other nation, which was enacted from internal considerations, and in favor of other states, that observe

towards us a conduct unequivocally friendly: and she asks from you this gratuitous favor, as a right, while your territories are yet marked by her unequivocally hostile aggressions. Let her take the benefit of the law of nations against your citizens, as she would be obliged to do against British subjects, if they had pursued a similar conduct. The executive disavows their acts, and leaves the individuals, if taken, without national protection; surely such disavowal and abandonment on the part of our executive is an ample sacrifice to the etiquette of courts. Suppose an indictment on this statute had been framed in the Mississippi territory, against any brave Americans, who, without the orders of government, might have made a military expedition within the Spanish lines to rescue the Kempers. The construction of the law that would be applicable to their case in that country, is equally applicable to the case of the defendant in New York. What then, let me ask you, would be the astonishment and indignation of a jury there, if the public prosecutor informed them, that notwithstanding these outrages were unatoned for, and perhaps likely to be repeated, yet it was expedient to sacrifice those gallant adventurers to her resentment. Would they not, by their verdict, teach the government to answer thus, to such an insolent demand on the part of Spain? Before you ask the sacrifice of American citizens, restore those you have carried away, abandon our territories, make satisfaction for your depredations on our property and commerce, renounce your hostile plans; and after you have purged away your own offences, should any new injuries be done to you, then you shall enjoy the benefit of all our laws. Let your verdict give government the same instructive lesson; you are the protectors of a fellow-citizen against the vindictive oppression of foreign states; you have the power of resisting their insolent demands; you have nothing to do with their vaporing menaces; to them I trust government has already replied, that America adopts Fingal's advice to the son of Ossian—never seek the battle with the foe—nor shun it when it comes.

I have thus, gentlemen, examined the statute at some length, and given to it a construction, which, if you believe it correct, will undoubtedly entitle the defendant to an acquittal. I shall give you an additional reason why you should believe in the correctness of my construction. General Miranda's expedition was a subject of general conversation in this city some time before it sailed; it was carried on under the eyes of the government, and known to many, whose political communications with Washington city, are no doubt accurate and frequent. This circumstance, even exclusive of the inferences that must arise from the non-attendance of the heads of departments, is sufficient to convince you that the expedition was carried on with the knowledge of government. Why then was it not prevented? Most assuredly because the executive saw that it could be carried on, and indeed was carrying on, consistently with the laws of the United States. If it were otherwise, if the expedition were a violation of the law, with such ample time for deliberation and action, would not the President have exercised the power vested in him by the seventh section of this statute, and hindered the sailing of the Leander?

To render this argument more striking, let me remind you of the evidence of Colonels Swartwout and Platt, by which it irresistibly appears that the defendant had no doubt he was acting with the knowledge of government, and therefore would do nothing intentionally to violate the law. Let me, also, recall to your memories Captain Duncanson's letter, which you have read. From that letter draw your own conclusions, as to the extent of the President's knowledge; but it is certain that Captain Duncanson, who presided in Washington, was apprised of the expedition, and informed that Colonel Smith would have the disposal of some military commissions. Was he, think you, the only man in Washington, to whom those things had been told; or do you believe that the President and officers of government were ignorant of reports that had obtained very general currency? His letter is dated the 20th of December last, and the Leander did not sail until the 2d of February.

The expedition was, therefore, known at Washington, six or seven weeks before it took place, and no effort made to stop it. Surely, then, the President and Secretary of State, and other officers of government, considered it as perfectly consistent with our laws. I confess, gentlemen, I attach very great weight to the opinions of those gentlemen; I sincerely esteem and respect them all; Mr. Jefferson, I believe to be not only an enlightened patriot, and a consummate statesman, but also to comprise in his extensive information, a very accurate knowledge of the law. He had learned, I presume, that the Leander was bound, in the first instance, for Jacquemel; he knew that the transporting of arms, ammunition, and military stores to St. Domingo, was not prohibited; he knew an American, as well as a foreigner, might travel; he probably considered, as I do, every person that went in the Leander, was in the eye of the law, only a traveller, till he should assume a military character in a foreign port; he saw that no military expedition was to be carried on from the United States; and he felt that there was nothing in our relations to Spain which could lay claim to the extraordinary exertion of peculiar friendship on the part of the United States; nor any thing in the object of the expedition itself, that could alarm his benevolence or patriotism. This view of the subject does justice to all parties; it marks the wisdom of the President in abstaining from interfering with the expedition; it marks the prudence of the chief by whom it was conducted, and the cautious observance of the law by those who acted under him; and it will mark your discrimination, justice, and integrity, if you adopt this construction of the statute, and give a verdict of acquittal.

I could wish, before I conclude, to make another observation. This trial has by some been considered as a party question, and I understand that my conduct, in the defence of the gentlemen indicted, has been talked of, by the weak and ignorant, as something like a dereliction of my professed political principles. I pity such party bigots, and have only to assure them, that no feelings such as they possess, shall ever weaken my zeal for my client. But as to my political principles, they are a subject on which I am too proud to parley, or enter into a vindicatory explanation with any man. In me, republicanism is not the result of birth, nor the accidental offspring of family connections—it is the fruit of feeling and sentiment, of study and reflection, of observation and experience—it is endeared to me by sufferings and misfortunes. I see gentlemen on that jury, between whose political principles and mine, there is not a shade of difference—we agree as to the hands to which we would confide the offices, honors, power and wealth of the republic. I trust we also agree in this, that nothing can be more injurious to the due administration of the law, than that political considerations or party prejudices should be permitted to ascend the bench, or enter into the jury-box. That pollution of justice has given rise to many of those abominations and horrors which have disgraced and desolated Europe. I adjure you, do not mingle the spirit of party with the wholesome medicine of the law: for if you do, most assuredly, sooner or later, even-handed justice will commend the ingredients of the poisoned chalice, to your own lips. I entreat you, exercise your prerogatives and discharge your duty in the spirit of uprightness and mercy—do not suffer the defendant to be sacrificed as a sin-offering or a peace-offering; and if he is to be made the scape-goat, on which are to be fixed the faults of others, give him, at least, the privilege of escape.

Not only toleration, but the right to the completest religious equality, the right to differ, are living truths in the hearts of Irish Catholics, and should any auxiliary to this be wanting, the interest of the Irish Catholic is ready to supply it.

Thomas Davis, "The Nation", Nov. 13, 1847.

Note XVI

(See Vol. I—Page 421)

SUMMING UP

BY

THOMAS ADDIS EMMET

IN A SUIT FOR LIBEL.

Brought by Philip L. Arcularius against Wm. Coleman, Editor of the New York Evening Post. Arcularius was the superintendent of the poor-house, and, not knowing her condition, refused a negro woman admission, for want of room. The woman gave birth in a vacant lot and deserted the child, which being found dead, she was arrested for infanticide. The suit for libel was the result of falsely reporting the case.

Mr. Emmet summed up as follows:

GENTLEMEN OF THE JURY:

The counsel for the defendant have stated, that he expects no mercy; asks for no lenity; but demands only justice from your hands. I approve that wish for justice; I second it sincerely. And I remind you, that since he has disclaimed your mercy and your lenity, you are not called upon to show him any. He has thought proper to take the high ground of defiance, and unabashed to persevere in his calumny. If there be things capable of challenging indignation, they are such as this, that a party who has caluminated another, persisted before a public tribunal in aggravation of the slander, should audaciously provoke the justice of the law. And, gentlemen, it is that conduct, which so far from justifying or excusing ought to be superadded to the original malignity, and in making up your verdict in this case, you ought to weigh every word of this reiterated scandal, and give us its weight in gold. You ought to add everything which he has called his justification, with the original libel, tot them up together, and give us a compensation for the whole.

Gentlemen, you cannot shut your eyes to the different dispositions and affections which prevail in this city, and to what their influence may be in a case like this. If the plaintiff and defendant had been unknown in the political circles that divide the public, neither this calumny, nor what is called its justification, would ever have been heard of. The defendant has offered you the insult of supposing that something of party spirit might work upon your feelings, and speculating upon the weakness of human nature, he has hoped to marshal your frailties on the side of injustice. This is the secret of his defence, and accounts for its peculiar boldness. If Mr. Arcularius had never been in a situation to excite respect on one hand, and envy on the other, his character would not have been wantonly insulted, under the pretence of reporting proceedings in a court of Justice; nor would his feelings have been this day outraged by an aggravated repetition of the insult. If then he has been made the sport of envy and malice, let your verdict be such, as hereafter to curb those vicious publications and do him present justice.

Though I think most decidedly, that the actions of public men should be freely canvassed, and would willingly cooperate in doing so, by my voice or by my pen, yet from my soul I detest those abusive attacks from whatever quarter they proceed, which have no other object than to sacrifice private reputation, to party or personal malignity.

Consider, in your own conscience, gentlemen, how far this publication resulted from a simple intention to detail the truth and then let us pass on to the next position stated by the defendant; viz. the rights and privileges of an editor.

It would seem the opinion of this gentlemen that from the moment an editor

of a newspaper has taken upon himself this holy function, he has a call to speak of every man's morals, to censure, to correct, to slander, to punish, to wound the peace of his fellow-citizens, who do not submit to his authority or his opinions, and at the suggestion of his own capricious or malicious humour, to destroy their reputation.

What is an editor, gentlemen, that he should arrogate such power? Is he anything more than a man printing for his bread? Will you say that it is from a sense of moral duty that this gentlemen prints a newspaper? No, but it is his means of livelihood, and if not used to traffic in wickedness, it is a fair, an honest and an honourable one. But is it in any case an office so sanctified? Who made it so? Who appointed this gentleman to this holy calling of an editor? Did it come to him from above, or was he chosen by the elders of his sect?

When an editor undertakes to print he does it at the peril of the law. He has no rights, nor duties, nor privileges, but as every other man. There is no peculiar protection accruing from the circumstances of having assumed that office. He is to see that his news is faithful and his intelligence pure; otherwise he must abide the legal consequences.

There is one restriction which an editor, as well as every other man, is subject to; if he publishes anything injurious to another, and wishes to be safe in doing so, he must in his publication name the person on whose authority he makes the statement.

Indeed, I concede too much in saying, that he has the protection given in that rule; it is only applicable to words spoken. All the cases in which that justification has been relied on, or alluded to, are cases of mere slanderous words. It has never been ruled to be a justification of libel. In this case, however, I am willing that the defendant should receive the benefit of the rule, if he can bring himself within its meaning.

Gentlemen; permit me to point out to you more minutely the nature of this attack. Mr. Arcularius, superintended an alms-house, in which, unfortunately, there were not accommodations for all the claimants. It was found necessary to restrain the hand of charity, and to adopt some mode of making a selection from among the numerous and wretched candidates for admission. A regulation had therefore been made, that no person should be received, unless backed by the recommendation of a magistrate. There must, however, exist exceptions arising from necessity. Where no object comes under such urgent circumstances of distress, as really were those of the negro woman, whose case gave rise to the publication, the superintendent would not find himself constrained to repel such misery. But in the ordinary discharge of his duty, he is compelled to refuse many applications, by referring those who make them to a magistrate; and is, perhaps, obliged to repeat his refusal often in the day; they become, therefore, unhappily, part of the routine of his duty.

Here this woman came to him; she did not tell him her situation; and Mr. Arcularius, without any feelings, either of excited compassion, for no reason appeared to call forth such a sentiment, nor of wanton cruelty; for nothing of extreme distress suggested itself to his imagination, promised to her as he had done to hundreds, that as soon as she brought a permit, she should be admitted.

Now gentlemen, on that circumstance this libel is founded. There is just so much truth in it as this; that a woman did apply at the poor-house for admission, and was desired to go to a magistrate for a permit. If I mistake not, this is the refinement of malice; for it is a moral truth, that that slander is the most malicious, as well as the most noxious, where falsehood trespasses upon the verge of truth.

When it is entirely destitute of foundation, it can be easily refuted, as a falsehood without the colour of fact. The latter resembles the ruffian violence of an open bravo, but the former may be said to partake of the malignant caution of an assasin. In estimating, therefore, the injurious consequences of calumny to the reputation of individuals, and to the peace of society, I cannot hesitate to maintain, that the man should be more severely punished, who from wicked motives, couples truth with falsehood, than he who from similar motives utters falsehood with less malignant skill; for it is not so injurious, so malicious, so detestable.

It is a peculiar feature of this case that a matter of accident has been seized upon, tortured and embodied with falsehood in order to give colour to one of the most daring attacks upon the character of an individual that could possibly be contrived. But the defendant at first wished you to consider this publication as a simple denial of circumstances, which happened in a court of justice. In his proof of this, however, he has entirely failed. The examination does not justify it. Nothing that was done in the course of judicial proceedings justifies it. But notwithstanding this failure, instead of deprecating your indignation, and soliciting the mercy of the jury, he boldly tells you, that he asks no mercy at your hands. Give

him none—he asks for none—he deserves none. The justification that is a statement of proceedings in a court of justice is then abandoned; another is resorted to.

And we have been told, that the defendant in his publication, has vouched the negro woman as the author of the story. Does that assertion excite your indignation? Are we to be facetiously informed that our action lies against the negro wench? But, gentlemen, even that is not the fact; he did not and could not vouch her; she was not the author of his story; she never told it; he never heard it from her; he never consulted her, he never saw her, or spoke to her. He neither gave, nor meant to give her, or any other person, except himself, as the authority of his assertions; he took upon himself to give the facts upon his own peril, and neither as the history of proceedings in a court of justice, nor as a statement from another. I shall now show this by an examination of the libel itself.

He begins thus: "The Merciful Man." Gentlemen, I ask you, did the editor of this paper mean by his heading to leave any doubt with his readers as to the truth of the facts he was about to state, or to insinuate anything but that he was going to proclaim an indisputable instance of the inhumanity of the plaintiff. Why call him "The Merciful Man"? Because he meant by this irony to make a broad averment of the truth of the subsequent facts. After the preliminary facts of his story, he says "It turned out on examination". What is the meaning of that phrase? It is not that the woman stated certain facts, nor that "it appeared from her examination, &c". But that by examination and investigation, it was ascertained that the facts actually took place as he proceeds to tell them. It is an averment that he is about to state what is the truth, and has been ascertained to be so. For in this strain of direct assertions, he continues, "It turned out on examination, that about an hour or two before, finding her labour approaching, having no home nor any place whatever to which she could resort, she went to the poor-house and applied to the worthy superintendent, telling him her singular situation, and praying for God's sake that he would allow her some place to lie down in". Does it appear from this sentence, that he had vouched this woman as the author of the story, or that he was impartially relating the proceedings of a court of justice? On the contrary, does he not manifestly intend to state those circumstances as being ascertained to be true?

Are they true? "She went to the worthy superintendent, telling him her singular condition". Did she tell him her singular situation? "And praying for God's sake that he would allow her some corner to lie down in"—Did she do this; or do more than ask for admission in the ordinary way?—"But this humane man immediately turned the miserable woman out of doors". Is that true? Did he turn her out of doors, and does his conduct in referring her to a magistrate for a permit, and promising to receive her with one, deserve so outrageous an expression? But gentlemen, is it necessary I should ask you, do you believe this is true, and that he turned her out of doors for want of humanity, knowing her situation? Let me rather ask, with what motives were these facts put forward and impressed upon you to-day?—that if it were possible you could give a verdict for the defendant, it might be said out of court, we have triumphed—we have got a jury to acquit; and from the impossibility of ascertaining on what that acquittal could be founded, we have succeeded in fixing an indelible stigma on a political adversary.

The defendant, however, says he had no malice against the plaintiff. Is not all this statement combined with exquisite art and malice to blast the character of Mr. Arcularius? Was it intended to acknowledge that he did his duty in desiring her to get the permit of the magistrate, or was not the object of the publication to cause it to be believed, that knowing her situation, he did contrary to his duty, wickedly and cruelly turn her out of doors? Was it not conceived in malice, by a misrepresentation of facts, to make him assume the blackest dye? Indeed, on this very trial, the same attempt is made; and it is endeavoured to persuade you that he knew her situation, and that she had told it as far as delicacy would allow. Let us consider this delicacy of a negro woman in labour with a mulatto child, whose colour does not say much in favour of its legitimacy—a delicacy, which most assuredly she did not feel nine months ago. She was unable, through delicacy, to tell what no virtuous woman under heaven would have scrupled to tell in a similar situation. I am curious to know what that delicacy could be. I revere the female sex, and the delicacy that belongs to it, but I am sure there is not a woman of the most refined ideas in this city, if accident or misfortune threw her into such a situation of immediate parturition, unprepared and unprovided, and requiring the succour of the humane and feeling, that would hesitate to call upon any man, whose mother gave him to the world in pangs and throes, or to communicate to him her distress and implore his assistance, unless her offspring were the child of crime. But not one who carried in her womb the fruit of honourable love, would hesitate

to say, under the circumstances, in the most direct and emphatic terms, "I am in labour". This insinuation of delicacy is farcical; and I ask you on your oath, gentlemen, do you believe that that woman went as far as delicacy would permit her?

But even if delicacy did restrain her, Mr. Curtis says she stated that she had not communicated her situation to the plaintiff. If delicacy forbade her, it was her misfortune, and she was to be pitied, but is that to attach crime and infamy to Mr. Arcularius? If delicacy prevented her making her situation known, he was ignorant of it. Can you believe that Mr. Arcularius even suspected that she was in labour? Mr. Hopson hearing her say, that she could go no further, conceived from those words that she was in labour, but turning round and seeing her appearance, this suspicion vanished. Why should you suppose that it was entertained by Mr. Arcularius? But it is argued that he must have perceived that she was unwell, by his asking what was the matter with her. It is a natural question to put to every one applying for admission; what is the matter? As the person who can work is no object for an alms-house. Mr. Arcularius went up to her, and so little suspicion had he of her true situation, that he thought she had a child under her arm.

But let us proceed in examining the publication, and see whether it does not furnish still further proofs of the malice of its author. "So little sensible was he to the inhuman part he had acted, that he interrupted her, and declared she had, and that it was he who had ordered her away!" Is not this made into an additional proof of inhumanity on the plaintiff's part? His avowal, without disguise, which surely marked no guilt, is perversely attributed to a bad motive, and the only injurious interpretation that could possibly be made of that avowal, is most maliciously adopted. "Wretch, however, as she is, I am mistaken if she does not share less of the public indignation than the man whose merciless treatment drove her to the extremity she experienced". In every occasion where malignity could reach, there it is; wherever the wedge of calumny could find the slightest opening, it has been driven home.

In order to disprove any malice on the defendant's part, it is said, Mr. Curtis told this story, and the defendant waited two days before. I ask whether it be a part of the mission of an editor to go prowling about the purlieus of the police-office, and to write libels upon the authority of a constable? Why did he not go to the magistrate, or to Mr. Oblenis? No, he had no need to learn anything that would make him hesitate. But from naming Mr. Curtis now, he can derive no benefit; it is too late to do so on the day of the trial. When a man prints or publishes, if he does not choose to give the author up, and make the world know what his authority is; to give the party injured the means of an action, and proof against the real injurer, if the fact be false, the law wisely presumes that he takes upon himself all the responsibilities. If I choose not to take the blame upon myself, I name my author; if I do not name my author, I act at my own peril, and hold myself up to the injured man as the author. Shall I therefore, on the day of trial, be permitted to produce some pocket authority, and turn the plaintiff around, saying, there is that negro wench, or this police constable, proceed against them, but give me a verdict and my costs.

No, gentlemen, if the defendant here did not choose at the time of publication, to state his authority, there is no time for doing so given to him afterwards.

But gentlemen, even supposing that in this partnership of calumny between Mr. Coleman and the police constable, the latter may have furnished the misstatement—who furnished the malignity? Are not the style of the publication, the epithets, the inferences, the composition, the venom, with which the whole is impregnated, peculiar to Mr. Coleman? And where a mortal wound has been given, which of the two is most pre-eminently chargeable with the fact, he who furnished the dart, or the savage who poisoned the dart, and the savage who also shot the poisoned dart?

But does not the defendant's subsequent conduct furnish further proof of his malice? Mr. Arcularius's friend publishes on oath a true statement of the transaction. What does Mr. Coleman? He notices it by a light and sneering paragraph, stating forsooth that he had not time that evening to look for the person from whom he derived his information. Did he ever look for him? if so, did he ever communicate the result of his inquiry? He had published against Mr. Arcularius the most outrageous libel that could be invented against a public officer—it is contradicted on oath; and he is in too great a hurry to go and look for the truth. Is that reparation? Is it an acknowledgement of error? Is it an atonement? Did he enquire into the fact? Did he contradict his original misstatement? Did he make anything like apology? I find the representation has been too strong. I am sorry I have been deceived by the exaggeration of the facts. No, he determines to persist in his

calumny; he never retracts it; and even throughout the trial of this cause, he perseveres in the same conduct, with full knowledge of the transaction; which knowledge he had from the very moment of commencing the suit. He comes forward with notice of justification. He has never once said that his intelligence went too far. And now he says he has no malicious motive. Do you not find in every part of his conduct, the traces of the poisonous serpent?

Gentlemen, the learned judge who now presides has sometimes intimated that counsel go too far in endeavouring to excite the feelings of the jury. I trust that on this occasion the court will entertain no such opinion. If there be any case that ought peculiarly to interest an honest man, it is when he is called upon to vindicate from foul aspersions the character of an honest man.

If there be any case which ought to induce a jury to rise in their power, and in their vengeance, it is when the character of an honest man has been wickedly and wantonly traduced; and when in their presence, and in a public tribunal, the injury is augmented tenfold in the face of truth and justice by an attempt at justification. I call upon you then, gentlemen, to embody the new calumny with the old, and give us your verdict for the whole amount of injury and outrage.

The charge of the Judge to the Jury—

Was to define what constituted a libel and particularly in this case. After reviewing the evidence and the expression of each counsel he concludes with:

I have now, gentlemen, for the first time in my life, mentioned the word politics from the bench, which has been drawn from me by something that was said at the bar. I have only to say, that I trust you, and every other jury, will examine into the merits of the causes they may be called to try, and not the political standing of plaintiff or defendant.

If you believe the defendant has made out his justification, you will, of course, give him a verdict; if you think otherwise, you will take under view, and give such sum in damages, as you conscientiously believe, under all the circumstances, will be fair and just compensation to the plaintiff.

The jury, after some deliberation, brought in a verdict of Not Guilty.

Oppression . . . like the desert bird, is consumed by flames ignited by itself, and its whole existence is spent in providing the means of self-destruction.

Robert Emmet, Whitty's Life.

For thirty years three out of four provinces of Ireland have sent a united representation to this country, asking for Home Rule for Ireland, and one-half of the other province has sent representation to ask for Home Rule for Ireland. They tell us repeatedly that Ireland is weakening in her claim for Home Rule. There is the judgment of the Irish people—and that judgment is constituted as a demand to this Parliament to do what Beaconsfield said every Parliament ought to do—that is—to do for a people by peaceful parliamentary operations what the people itself would do by civil war.

Joseph Devlin, M.P., April, 1914.

Note XVII

(See Vol. I—Page 423)

AN

OPINION DRAWN BY

THOMAS ADDIS EMMET

FOR

CHANCELLOR LIVINGSTON

AND

ROBERT FULTON

We must have Ireland, not for certain peers or nominees of peers, in College Green, but Ireland for the Irish. We want a veritable Irish Parliament, a national and sovereign assembly, and not some sort of a local committee to administer gas and water and other small affairs of the same nature. Your Home Rule is but a decoy and you, the Home Rulers, are willingly or unwillingly mere Unionists, for you accept the British chain and do not strive to break it. You should once for all cut the Gordian knot, and by separation assure national independence.

John Mitchel.

An Opinion Drawn

by

Thomas Addis Emmet

for Chancellor Livingston and Robert Fulton.

(Original in the Emmet Collection, Consolidated Library, New York.)

The facts as I conceive them upon which the questions proposed by Chancellor Livingston, and Mr. Fulton's case arise are these:

On the 19th of March, 1807, and before the adoption of the Federal Constitution, the Legislature of this State in the exercise of its then unpartitioned Legislative functions granted to John Fitch &c. in order to permit and encourage so useful an improvement and discovery, and as a reward for his ingenuity, application and diligence, the sole and exclusive rights and privilege of constructing, making, using, employing and navigating all and every species or kind of boats or water craft which may be urged or impelled thro the water by force of fire or steam, in all creeks, rivers, bays, and water whatever within the Territory or Jurisdiction of this state for fourteen years—and it also enacted that if any person not properly authorized by Fitch, &c shall make use, employ or navigate any such vessel so propelled within this state, he shall for every such offense, forfeit and pay to Fitch &c. the sum of £100, and shall also forfeit to him &c such boat with the steam engine and appurtenances.

Shortly after, the Federal Constitution was adopted and thereby certain functions which would otherwise have been exercised by the government of Legislatures of the different states, were granted to the Federal Government and Legislature. Among other things it empowered Congress to promote the progress of Science and useful arts, by securing for limited times, to Authors and Inventors, the exclusive rights—to their respective writings and discoveries—"and also to make all laws, which shall be necessary and proper for carrying into execution, the foregoing powers."

Under this last authority and in order to carry the other into effect—Congress has made several laws, the principal of which was passed on the 21st of Feb.: 1793. By it is regulated the mode of obtaining Patents which should secure to Inventors for 14 years the full and exclusive right and liberty of *making, constructing, using and vending to others* to be *used* the invention or discovery.

This Statute by its 7th section also provides, that when any state—before the adoption of the present form of government should have granted an exclusive right to any invention, the party claiming that right—should not be capable of obtaining an exclusive right under that act—but on relinquishing his right under such particular state, and that his obtaining an exclusive right under that act—should be sufficient evidence of that relinquishment.

On the 27th of March, 1798, some time after the power of granting exclusive rights for the encouragement of science and useful arts—had been delegated to Congress—and after Congress had fully legislated thereon—the legislature of the State of New York (on the allegation that John Fitch had forfeited his exclusive right—under the first mentioned law, by dying or withdrawing himself from the State without having made any attempt for more than ten years to execute his plan; and in order to secure to Robert R. Livingston the exclusive advantage of a mode posessed by him of propelling a boat by steam, and to induce him to proceed in an experiment

promising important advantages), repealed the act granting the exclusive right to Fitch and enacted that privileges similar to those granted to Fitch by that Act, should be extended to Mr. Livingston for twenty years.

By another Act of the Legislature of this State, passed the fifth of April 1813, the Rights, Privileges and Advantages granted to Robert R. Livingston by the last mentioned act are extended to Messrs. Livingston and Fulton for twenty years from the passing of the act—and by another act passed on the 11th of April, 1808, the time of enjoying the exclusive right—is under certain circumstances prolonged to 30 years from the passing of the act—and it is enacted that any person who shall navigate with boats or vessels, moved by steam in contravention of the exclusive right of Messrs. Fulton and Livingston, shall forfeit such boat or vessel, together with the Engine, Tackle and apparel to Messrs. Livingston and Fulton and their associates and that the penalties so incurred may be sued for and recovered within any Court of Record of this State having cognizance thereof.

The questions to which my answer is required are, as I conceive, the following:—

1st What is the effect and validity of the State laws in conferring and what exclusive right on Messrs. Livingston and Fulton?

2nd—By what process can they carry into effect their right under the State laws to the boat and to the penalty? If the preceding acts of the Legislature could be tested by the same principles that would in England be applicable to similar grants from the crown, I should scarcely hesitate to pronounce them *ab initio* void, from their intrinsic defects, improvidence and excess of powers. But as they are strictly *Laws* and have every validity, the Legislature of this State can confer upon them, I think they are shielded from the application of these principles.

There is, however, another view on which I shall chiefly found my opinion—How far they interfere with the power granted to Congress by the Federal Constitution of securing to Inventors the exclusive right of their inventions, and with the laws which it has passed for effectuating that power—and if they do so interfere, how far that interference affects their validity.

The power granted to Congress by the Federal Constitution is to secure to authors and inventors *the exclusive right to their writings and discoveries.*

The Patent law says that the patents shall secure to the Inventors the full and exclusive right and liberty of *making, constructing, using and vending to others to be used,* the invention or discovery.

It appears to me that the patent laws have done no more than was necessary for carrying into execution the power granted by the Constitution—I think it then a fair interpretation of that Power and consider its words as not more extensive in fact, than the words of the Constitution. But these words in the Patent law of *making, constructing and using* are certainly in effect and meaning the same as the words of our State law, granting the exclusive right and privilege to Mr. Fitch, of *constructing, making, using, employing and navigating such boats,* and this right and privilege has by general words of reference been granted to Mr. Livingston, and afterwards by similar general words of reference to Messrs. Livingston and Fulton.

The State Legislature also, in every instance proposed to make these exclusive grants for the purpose of promoting the progress of science and the useful arts.

Before the adoption of the Federal Constitution this power could only be exercised by the State Legislature, and therefore the original grant to John Fitch may well be considered as valid. But it becomes an important question to consider whether after that grant was repealed and after the Federal Constitution was adopted and in full operation, the State Legislature, could in the year 1798—or in 1803, for the purpose of promoting the progress of Science and the useful Arts, grant the exclusive right and privilege of *constructing, making, using, employing or navigating* a steam boat within its territory and jurisdiction. I confess I think I could not. That power was delegated to Congress and by a necessary implication from that delegation, I think it was exclusively

vested in the federal government, by whom Congress had given it by the Patent Laws. I am aware it may be and has been urged against this opinion, that a like power is given to Congress by the Constitution. That instrument does not take it away from the several states by an express provision, and that the powers not prohibited by the Constitution to the states are reserved to the states, respectively, or to the people. I admit the importance of these arguments and on it the entire decision of the validity of the State Laws seems to me to turn. I shall therefore examine it. The tenth amendment to the Constitution of the U. S., says—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the People". It is fair I think to take the converse of that proposition, and to say that—"these powers *are not reserved to the States respectively* or to the People, *which are delegated to the United States by the Constitution* or *which are prohibited by it to the States*".

The reservation to the States then is excluded not only by the express prohibition in the Constitution against their exercising any particular power, but also by the *implied* prohibition which results from the delegation of that power by the Constitution to the United States. It were indeed to be wished that as the Constitution has made some express prohibitions against the exercise of particular powers by the individual States, it had for the sake of simplicity and clearness adapted the same course throughout, but nothing would be more unwise or dangerous or more contrary to the tenth amendment, already quoted, than the doctrine that the State Legislatures have the right of exercising every power delegated to Congress, which is not included in the express prohibition to the individual States. For instance, there is no express prohibition to individual States regulating commerce with foreign nations, otherwise than by import or export duties, or with other of the States, or with the Indian Tribes; nor are there any such express prohibitions against individual States passing naturalization laws, or against their regulating the value of the coin or of foreign coins, or of fixng the standard of weights or measures, or establishing separate Post Offices, conveyances and Post Roads or making rules concerning captures on land and water. In short, I cannot but think that such a construction of the Constitution, pushed to the extent of which it is susceptible would annhiliate the most useful powers of Congress, open the door to constant collisions and quarrels between the federal and State governments, and eventually subvert the Union itself, for in almost every object on which Congress may constitutionally legislate—it might be thwarted and overruled by the waywardness, selfishness or caprice of some individual State. Perhaps the last material subject on which this could happen is the granting or exclusive rights to Inventors, but it may be used to illustrate the danger and mischief of the general doctrine.

I suppose an important and universally useful invention to be made and patented. In every State some person would wish to purchase the patent right for that State—and in order to assist his speculation and cheapen the purchase, he might intrigue and procure a State law, that no one but himself or his assigns should be allowed to use or employ the Invention within that State; what would be the consequences? The advantage and object of the Patent would be destroyed. It must be sold for little or nothing to the State favorite, or the result of so many bodies interfering to promote Science and the useful arts would be, that *nobody* for 14 years could use or employ the important and useful Invention.

Suppose in the very subject before us, a great and essential improvement to be made in the application of the Steam Engine to navigating vessels. If the State law be valid, the Patentee of that Invention would be obliged to sell it to Messrs. Livingston and Fulton on their own terms, for this State, or every part of the State would for 30 years be deprived of any benefit from the progress of Science which matures the improvement. I am therefore very strongly of the opinion that

the *mere delegation of a power to Congress takes away from the State Legislature any right to exercise it*, and of course that after the adoption of the Federal Constitution, no State Legislature had any authority to grant an exclusive right of making, constructing, or employing any machine or invention, and particularly if the avowed motive of that grant was to *promote the progress of Science* and the useful arts or to reward any Inventor for his ingenuity and discovery.

This was evidently, the construction which Congress itself subsequently put upon that clause in the Constitution. For in the 7th section of the Patent Law of the 21st of February 1793, it provided for the case where any State *before the adoption of the Constitution*, had granted an exclusive grant to an Invention and regulated that the Inventor could not get an U. S. Patent unless he relinquished his State right.

There can be no doubt but that if Congress had considered it possible for any State, after the adoption of the Constitution, to grant such an exclusive right it would have made a similar provision to meet that case—and altho' there is no decision exactly applicable to this question, I understand the supreme courts of this State have lately made one on the construction of the Patent Law, which has some analogy to it.—An action which was brought in that court for the infringement of a Patent right, in which the defendant pleaded to the Jurisdiction of the court, alledging that by the Patent Law Jurisdiction was given to the Circuit Court of the U. S. To this the plaintiff demurred, and altho' there are no words giving exclusive jurisdiction to the Circuit Courts or ousting the jurisdiction of the State Courts, yet it was held that as jurisdiction was expressly given to the Circuit Courts and no other named, *that* by implication took away in this case the jurisdiction which a State court would otherwise, on general principles, have had as over the violation of a legal right, and altho' I do not anticipate that our State courts would decide differently on the validity of these State Laws, from what the federal courts would do, yet I think it right to observe, that as the validity would involve the construction of the Constitution, however and whenever the action might be commenced, the ultimate decision of the question would rest with the Supreme Court of the United States at Washington.

Before I conclude my opinion on this point, I ought to remark that some very learned and ingenious arguments in support of these State Laws, have been urged, on the principle that they do not interfere with the powers exercised by the United States; for they do not give to Messrs. Livingston and Fulton any right to use inventions the exclusive property in which has been granted by Patents to others,—they only prohibit the use of that patent within the State of any but those gentlemen or their assigns—and this right of prohibiting is indicated on the principle that the employment of a patented invention may be injurious or dangerous in certain places and under certain circumstances—and that the power of prohibiting must be reserved to each State as it may be necessary from peculiar circumstances, for self preservation and protection. This argument is very ingenious but I do not think it applicable. How far a State Legislature acting and avowing itself to act upon self preservation and protection from peculiar circumstances in the position or organization of the State, might *in toto* prohibit the use of a patented invention, I shall not now enquire, because most assuredly none of the laws passed in favor of Messrs. Livingston or Fulton proceed or affect to proceed on that ground,—they unequivocally grant an exclusive right to these gentlemen to make, construct, use and employ boats and vessels propelled by fire or steam, and this avowedly as an encouragement to their ingenuity, industry and invention; and in order to promote the progress of Science and the useful Arts.

They interfere in words indeed in object and purport with the power granted by the Constitution to Congress and also with the enjoyment by any other patentee of his right, as much as conflicting patents possibly can do. I think those State Laws void in themselves, because they purport to do what the Constitution in the

partition of Legislation appointed only to Congress—and they legislate upon a matter with which State Legislatures have no more right to intefere, than they have with Peace or War or Foreign Relations.

The 2nd Question is answered as I think by what I have already said,—but even supposing these State laws valid, I think there at present exists no pecuniary penalty to be enforced. Such indeed was created by the original act granting the exclusive right to Mr. Fitch—but I do not think that the words of the Act of the 27th of March 1788, *extending to Mr. Livingston similar privileges* to those granted by the first Act to Fitch are sufficient to continue or rather to re-create the *penalties and forfeitures* which had been in the repealed law. The only forfeitures then which I think can in any event be said to exist now, or that gives by the Act of the 11th of April 1808, of a boat, steam Engine, Tackle &c.

This forfeiture (if the law be valid) may be enforced by an action of "Trover-Détenue", but by no other legal process. It is, however, also permitted to Messrs. Livingston and Fulton I think to take and hold possession of the forfeited property without any preceding process of Law, if they can accomplish that object without a breach of the peace; but as to the past earnings of the boats I do not see that any allowance for that can be otherwise received than in an action of *trover* &c, for it does not seem to me that they can be recovered in action for money had and received—they are produced not simply by the forfeited boats, but by the labor and service of workmen and hired servants and by the expenditure of money in provisions and other accommodations.

No such employment of the property of another in conjunction with work, labor, service and pecuniary advances, and out of the mixed fund raising a profit, the quantity of which cannot possibly be apportioned, will I think justify an action for money had and received to the use of the owner of the property. His remedy is in damages for its improper employment.

THOMAS ADDIS EMMET.

New York, Jan: 19th 1811.

The sumptuary laws, and the laws directed against the clergy and against Catholic education, were repealed in 1782. In 1792 Catholics were admitted to the bar and made eligible to serve on juries, and in 1793 they were granted the Parliamentary franchise. A new era seemed to have begun for Ireland. Once the English yoke was removed the progress of Ireland in the last years of the eighteenth century was extraordinary.

Translation—Dubois, Cotemporary Ireland, Paris, 1908.

O'Connell led the people but never sought to educate them. Young Ireland, on the contrary, sought to free Ireland by forming public opinion. "Educate that you may be free", was the motto. It sought to turn the thoughts of the people towards their past, to educate them by historical publications, to fire them with popular poetry. The ballad became almost an institution in Ireland.

Spirit of the Nation.

Note XVIII

(See Vol. 1—Page 427)

HISTORY OF THE PORTRAITS OF ROBERT FULTON PAINTED BY MISS ELIZABETH EMMET WHILE HIS PUPIL, AND SINCE FALSELY CREDITED TO BENJAMIN WEST.

As this subject is one closely connected with the private life of Thomas Addis Emmet and his daughter and Fulton's relation with the family, it is both pertinent and of historical interest that it be placed on record.

Without entering into a controversy which would be justifiable under other circumstances, the writer will simply copy his statement as given elsewhere.*

I spent the Christmas holidays of 1847 with my uncle, Wm. H. LeRoy, who married, as I have stated, my aunt, Elizabeth Emmet. I refer to this visit in connection with a portrait of Robert Fulton which I have reason to believe was used during the recent Hudson-Fulton Celebration and was attributed to Benjamin West as the artist. My uncle from 1846 to 1849 resided in East Fourth Street, just beyond the Bowery, at that time a fashionable residential quarter for quiet people. From childhood I was noted for being a close observer, and as soon as I entered the house I missed a portrait of Fulton which had hung there at my last visit, and which I had seen in the family all my life. On asking my aunt about this portrait, she told me that she had painted it from life when a young woman, and that it had been borrowed a short time before by Dr. John W. Francis, of No. 1 Bond Street, who was the family physician.

Dr. Francis borrowed this portrait, with which he had been familiar since it was painted, and he used it at some Fulton dinner or entertainment, at which he was to preside. From her, on this occasion, I obtained the history of this portrait, which I in after-life incorporated in *The Emmet Family*, published in 1898, and a presentation copy of the book can be found in the consolidated Public Library, of this city.

I wrote:—"Robert Fulton and Mr. Emmet (Thomas Addis, my grandfather) resided in Paris at the same time, where they became acquainted and a warm friendship sprang up between them." In a footnote I stated:—"The diary of Mr. Emmet written while living in Paris as the secret agent of the Revolutionary party in Ireland, was published in this work and in *Ireland Under English Rule*, second edition 1909, shows that Fulton at one time expected to join the expedition to Ireland for the purpose of using his recently invented torpedo against the English—Mr. Fulton returned to New York it was thought with Mr. Emmet, who arrived November 11th, 1804, with his family, but later investigation shows that Fulton did not cross with Mr. Emmet or he returned, as he was abroad in 1806 and came to this country early in 1807 where he remained until his death. From this time he was on the most intimate relation with the Emmet family. He had studied painting under West, and detecting evidence of talent in Mr. Emmet's second daughter, Elizabeth, he devoted much of his spare time for several years to perfecting Miss Emmet's skill in portrait painting. He sat as a critic and model for Miss Emmet to paint his likeness. From this portrait, well remembered by the writer, an engraving was made by W. S. Leney in 1817, for Caldwallder D. Colden's *Life of Robert Fulton*. Mr. Colden was an intimate friend of both Fulton and the Emmet family, and being familiar with the history of this portrait selected it for his work. But a short time before Fulton's death he assisted her in painting portraits of her father and mother. Both of these are in the possession of the writer."

In a footnote to this account as given in *The Emmet Family*, I state the following:—Delaplaine in his *Repository* attributes this portrait, which he copied for some

*Incidents of My Life, G. P. Putnam's Sons, New York, 1911, p. 121.

reason, to West. Delaplaine's book was the first of a number that have appeared since, in which like works the duties of the editor were not laborious, as any citizen could have the privilege of being distinguished by writing his own eulogy, provided he was willing to go to the expense of having his likeness taken under the charge of the editor or publisher, who made this feature profitable. Probably the following extract from a letter written by Mr. Emmet to his daughter, will explain why he does not appear in this work, and why Miss Emmet was not given the credit for painting the portrait. The letter is dated Feb. 20, 1817:

> "I perceive by Delaplaine's letter that he still holds on. I ought to have written to him in answer to his letter but I did not well know what to say, and indeed forgot it in thinking about other things. *As to sitting for my picture and paying for it*, my vanity is not equal to that, and I can not permit myself to be exhibited as one of the National Worthies on these terms. But if you thought you could make anything out of the picture you have, why then vanity might let it go—so that the kind of answer I shall give him will depend on you".

Delaplaine was given permission to copy Miss Emmet's portrait of Fulton for his work and had it in his possession knowing its history, yet he did not give the artist credit, as her father had declined to incur the expense of having a special portrait painted for the *Repository*. Nor did he use the Fulton portrait, but actually had her name erased from the plate used by Colden, which he purchased from Leney and had it altered, attributing the painting to West, and did so from spite. In consequence of Delaplaine's publishing and altering the engraved plate of Fulton, Miss Emmet's portrait of him was sold in New York within a few years as an original painting by Benjamin West.

I may add that Miss Emmet's portrait of her father, painted under the supervision of Fulton, was offered to Delaplaine and declined. Judging from the only letter I ever saw of Delaplaine, the one addressed to my grandfather, I doubt if he had anything more to do with the issue of the *Repository* beyond making what money he could out of it, leaving the literary work to others, and I doubt if he ever had an opportunity to see a portrait painted by West. If he had been familiar with West's portraits he could never honestly have attributed the portrait in his possession to that artist, while he was not ignorant of its history.

George Hammond, the English Minister during Jefferson's administration, who was obliged to return home on account of interfering with American politics, married a daughter of William Allen, a distinguished man in Philadelphia but who was expatriated during the Revolution as a Tory. Allen settled in London and was a patron of Benjamin West, who painted a large number of family portraits and pictures for him. Lord Hammond, a son of the Minister in Jefferson's administration, gave me, in 1871, the opportunity of spending a large portion of a day in examining his collection of West's paintings in his London house, probably the largest ever made. At that time I was engaged in hunting up the original portraits of the signers of the Declaration of Independence. In the Hammond Collection was a painting termed *The Cricketers*, in which is shown the only known portrait of Arthur Middleton of South Carolina, as he appeared while a student at Oxford, England. I mention this opportunity of examining a number of portraits painted by West as the basis for my assertion that West could never have painted the portrait of Fulton which was in the possession of the sons of Dr. Francis. West ground his own paints carefully, and his coloring is now good, as time has toned it down, and he was said to have been unusually fortunate in catching a likeness, but I have never seen a painting by West in which the figures were not only stiff but wooden in appearance, while this figure of Fulton by Miss Emmet is exceedingly easy in the position represented. Had West lived at a later period, in my opinion, with competition, he would have found it difficult to have established his reputation.

During one of Fulton's visits to my grandfather's house, he became engaged in an animated discussion with Colden, or some other gentleman present. My aunt, in a moment of inspiration, made a pencil sketch of Fulton, as he is presented in the engraved portrait. Before it was finished, Fulton, seeing her at work, jumped up and seized it. He was so much impressed with the talent shown, that he at once arranged that my aunt should paint his portrait under his direction, and in the position she had sketched him. It was painted without delay, and when nearly finished he took the brush from her hand and painted in the gun boat *Fulton No. 1*, as seen through the open window. This circumstance establishes the fact that the Emmet portrait of Fulton was painted shortly before his death, and after the vessel had been sheathed.

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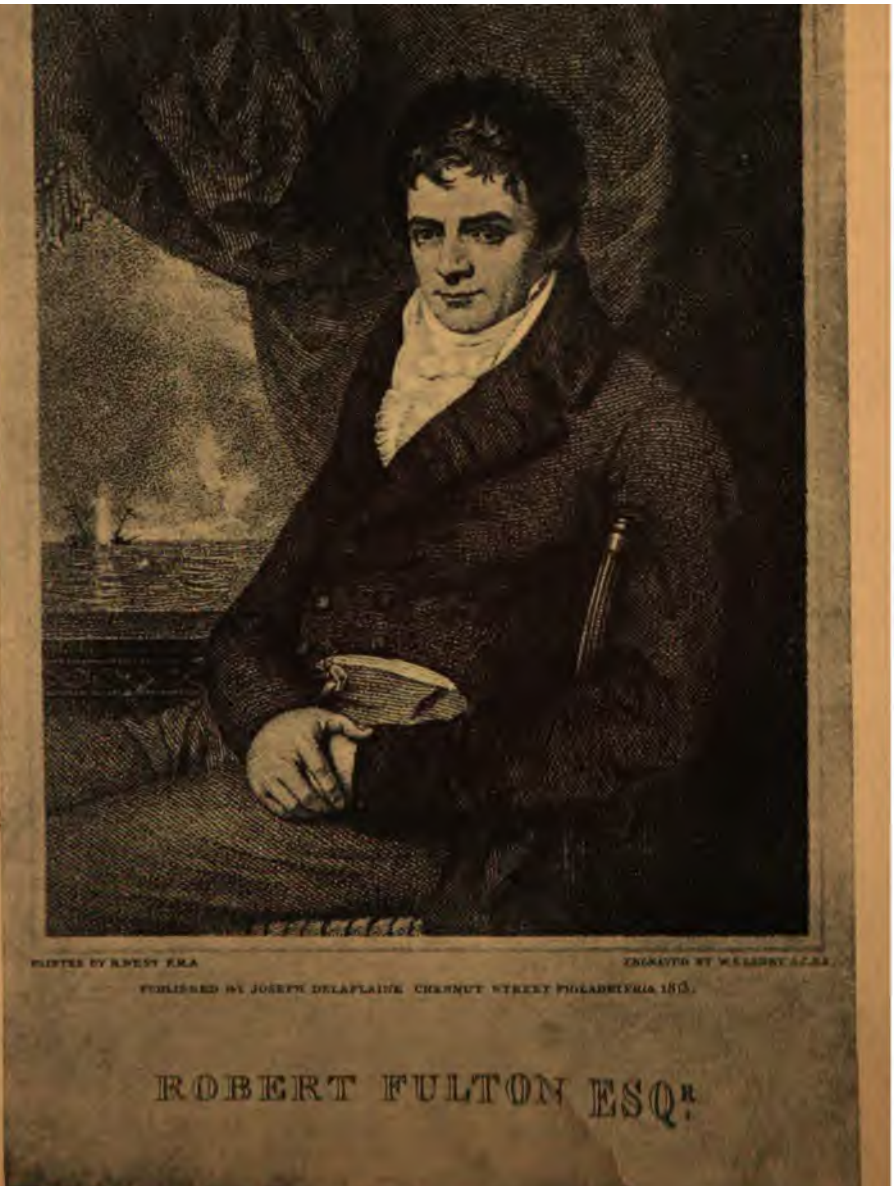
ROBERT FULTON Esq.ʳ

Portrait painted by Miss Elizabeth Emmet and engraved for Cadwalader Colden's "Life of Fulton"



PAINTED BY R.WEST R.H.A ENGRAVED BY W.S.LEIGHT A.C.H.A.

PUBLISHED BY JOSEPH DELAPLAINE CHESNUT STREET PHILADELPHIA 1815.

ROBERT FULTON ESQ.ʳ

REPRODUCED BY [illegible]

Glazing plate as published by Delaplaine [illegible] ANNE FRANCES LEVINE

For a short time after my grandfather's arrival in this country, as his circumstances were moderate, he for a time occupied a house No. 43 Water Street, and at one time he lived several years on the corner of Nassau and Pine Streets. During the remainder of his life his city house was on the West Side, where the houses were comparatively few in number, along the Hudson river, and he died in a house facing St. John's Square. The city was burned along the Hudson River bank at the beginning of the Revolution, and the district was not built up as it was on the East Side, until well into the last century, as Trinity Church owned most of the property and probably had not the means to improve it. I, therefore, believe the view shown in the Fulton portrait, through the open window, was suggested by some portion of the Hudson River as it then appeared from the family residence at the time the picture was painted. In some of the family papers there is a letter showing that the portraits of my grandfather and his wife were painted in 1810, when my aunt was between fifteen and sixteen years of age, and the portrait of Fulton must, therefore, have been made but a short time before his death. He began to build the torpedo boat after the beginning of the war in 1812, and the exposure which caused his death, was in directing the preparation for launching this vessel, which took place on the day before his death.

West went to England before the Revolution and outlived Fulton, but he never returned to this country, nor did Fulton visit England again after his return in 1806 to this country. [In Miss Emmet's picture], Fulton is represented in a dress fashionable in France during the early part of the century, and while England was at war with France, and West could never have seen him in that costume unless it be shown that Fulton visited England after 1806, which he did not do. My grandfather in Paris, had apartments in the Grande Judge Regnier's Hotel, Place Vendôme, and when he came to this country be brought all his household effects with him. The chair on which Fulton is seated is like one of a set used by the family and of French pattern. The fashion in England at that time and for many years before and after was to have the chairs made strong and heavy, of mahogany or walnut, with leather seats. The chairs my grandfather had were light, made of white wood and painted with black varnish, while the legs and other parts were fluted with the concave surfaces guilded. The seats were coarse and made of bullrushes, and were more comfortable than the present cane-bottomed chair.

Mr. Le Roy, after living a number of years on a large estate in St. Lawrence County, N. Y., returned to the city. This was shortly after the death of my grandfather and when his house in the country was being closed, as the sons and daughters had all married or scattered. My aunt then came into possession of the greater part of her father's furniture with which she set up housekeeping. I thus came to be familiar with the appearance of the set of chairs, on one of which Fulton is represented as seated, and several of them in good condition, were in her possession when she and her family moved to New Rochelle in 1850 or '51.

I several times asked her why she did not get the Fulton portrait from Dr. Francis, and she always said she would attend to it the next time she went to town. But it was forgotten, and today there is no member of her family who could claim the portrait.

Dr. Francis died in 1861. In 1857 was published his noted work *Old New York, or Reminiscences of the Past Sixty Years*, and at the time he wrote this work, in which he refers to the portrait of Fulton by Miss Emmet, it was hanging in his own house. At the time this portrait was painted, Francis, as a young man, was a constant visitor at my grandfather's house, and was intimate with every individual connected with this portrait, as he shows in his *Reminiscences*.

After Dr. Francis' death, his two sons settled in Newport, R. I., and years after the death of my aunt and her children, I received a letter from Dr. Mott Francis offering to sell this portrait by my aunt, which he stated had been given to his father by her. I wrote him an account of its history and offered a good price for it. After some delay my offer was declined on the ground that it had been found to have been painted by West, some one having showed him in the meantime an impression from Delaplaine's altered plate.

A gentleman, whose name I cannot recall, decided to purchase from Francis, and wrote to me as to its history, but unfortunately I have lost his letter. I answered it in full, but he finally made the purchase, and preferred to believe it was a painting by West.

Measurements and a magnifying glass show that the engraved portrait used by Colden for his memoir of Fulton, and the one Delaplaine issued, as from a painting of West, were printed from the same plate, which was undoubtedly the same plate Colden

had done in 1816, which Delaplaine had worked over and inserted the date 1815, a date at which the plate was not in existence. He employed Leney, the same engraver and printer of the portrait used by Colden, from whom he purchased the same plate, no doubt at a bargain, as it was no longer of use to anyone but himself, and doubtless in addition bribed the engraver to aid him in the forgery. Colden's work on Fulton was published early in 1817, and Delaplaine's book was issued later in the same year. Leney, in order to furnish Delaplaine with an apparently new plate, worked in a back-ground on the old plate, and included the whole within a square border, the lower side of which was drawn across to obliterate Miss Emmet's name and that of the engraver. Then after the impression had been printed from the metal plate the names of West and of the engraver Leney were printed below with type from the same font used to print the text of the book. Every circumstance goes to show that Delaplaine's work was malicious.

> *But the most important point is that Fulton painted on the Emmet portrait a representation of his new and formidable war vessel which he was building, and which no one but himself and the workmen had ever seen,* and this is shown in the engraving used by Colden, with Miss Emmet's *name engraved under it, as that of the painter.* On the engraving to represent a painting by West, the war vessel represented then building did not answer for a West and a vessel being blown up by a submarine torpedo in 1806 off the coast of Deal was substituted and copied from a drawing by Fulton made many years after.

All this proves nothing with regard to West having ever painted Fulton's portrait, but does clearly prove that all portraits of Fulton showing the blowing up of a vessel *must have been painted after* 1817, when the alleged portrait of Fulton painted by West was first given to the public.

A Life of Fulton, by H. W. Dickinson has been recently published, an excellent work in many respects, but disappointing as to any positive proof that West ever painted Fulton's portrait. The only reference to Miss Emmet is interesting in the suggestion that her portrait of Fulton was a copy.

This author states:

> The oil painting half length attributed to Benjamin West, in the possession of Robert Fulton Ludlow [New York], must have been painted in London at the age of forty or thereabouts . . . There is another portrait attributed to West in the possession of Robert Fulton Cutting [New York]. It is not probable that both are originals. . . . *What looks very like a copy of the first of these,* painted by Miss Emmet and engraved by W. S. Leney, is prefixed to Colden's "Life of Fulton".

The brig "Dorothea" was blown up by Fulton at Deal on October 15th, and he sailed from Falmouth for New York before the end of the month, as Mr. Dickinson states. It is not likely that West painted two portraits within less than two weeks of each other, and particularly when these two men were not on good terms. Dr. Dickinson surmises that the portrait in the possession of Mr. Ludlow was painted in London when Fulton was "at the age of 40, or thereabouts". This is gratuitous and evidently suggested by the blowing up of the "Dorothea" which is shown.

Putting aside the evidence which might be advanced to show that West could not have painted Fulton's portrait at any time except as a very young man it will be accepted that West could not have painted a representation of the explosion before it occurred, or during an interval of two weeks between the time of the explosion and Fulton's departure for New York. It is equally certain he could not represent something he had never seen, and of which he could not have had the slightest conception. Fulton did not make his drawing until long after, so that the showing of the explosion on a portrait of Fulton can only be attributed to Delaplaine, who must have seen Fulton's drawing, which had been published before 1816. This representation of an explosion on any alleged portrait of Fulton certainly puts aside any claim that West painted the portraits held by Messrs. Ludlow and Cutting, both of which show the explosion, proving that they were the work of some unknown artist, who copied from Delaplaine's forged plate of Miss Emmet's portrait, at some period subsequent to 1817.

The miniature shown by the reproduction is unquestionably a portrait of Fulton, painted by himself. In "Incidents of My Life", the writer has stated:

ASTOR, LENOX

REPRODUCTION BY ANNA FRANCES LEVINS

Miniature of Robert Fulton, painted by himself
from Miss Emmet's portrait

"In the Hudson-Fulton Loan Exhibition there was exhibited a miniature of Fulton, belonging to the late Mrs. Lucy Walton Drexel, of Penryn, Bucks County, Pa. . . . Since its return I have examined it carefully, and find that the head is identical with the engraving by Leney of Miss Emmet's portrait, both in position and expression . . . If we had not such positive proof in relation to all the circumstances to prove that Miss Emmet did paint Fulton's portrait from life as vouched for by Colden, Francis, by her own statement and others, with evidence both positive and circumstantial, it might be claimed that Miss Emmet copied the miniature."

It was well known to every one of the older members of the family that Fulton did paint his own miniature at Mr. Emmet's house, and as no painting of West was in his or Miss Emmet's possession, Fulton, so the family claimed, copied Miss Emmet's, which he appreciated so highly. The details to be seen in the work on this miniature, show that it was painted either by Fulton, or by his only pupil, Miss Emmet, as the same are to be found in all of Miss Emmet's portraits in the possession of the writer. With no knowledge of the history of this miniature previous to Mrs. Drexel's ownership there can exist no doubt that Fulton painted it, since Miss Emmet did not. The deduction is then natural that this miniature is the one painted by Fulton at Mr. Emmet's house as a copy of Miss Emmet's portrait.

For 97 years Miss Emmet has, by a most palpable forgery, been deprived of credit justly due her, yet such is the perversion of human nature, once an impression has been received especially if it is an adverse one, it is seldom removed. In this case, apart from personal or direct evidence, there exists in corroboration, what is seldom met with, but which is the most reliable of all, an unbroken chain of circumstantial evidence with every link perfect, and yet the injustice is likely to continue.

Your oppressions have taught the Irish to hate you, your concessions to brave you. You have exhibited to them how scanty was the stream of your bounty, how full the tribute of your fears.

Lord John Russell.

Protestants may be found in the popular party and Catholics in the English party. The line of demarcation is chiefly social and political. Interests, prejudices, national aspirations separate the two Irelands far more than do race or religion . . . The two sections are without doubt mutually hostile.

Dubois, Tr. Kettle.

Note XIX

(See Vol. I—Page 436)

SPEECH DELIVERED
BY
THOMAS ADDIS EMMET
In Defense of
Robert M. Goodwin
On Trial for Manslaughter—Feb., 1820.

Gentlemen of the Jury: If I could entertain a thought, that by any thing which may fall from me on this occasion, I might advance my personal reputation, I should only cherish a vain and idle expectation; if my mind were occupied with any thing so light, I should shrink from a comparison with those able associates who have preceded me. Still I am not discouraged from entertaining the hope, that in the exercise of my professional duty, I shall be able to add some observations, though not of equal force, yet somewhat conducive to the success which we all desire; but which I desire with different expectations from those which have been expressed by one of my associates. I know and feel that there is at stake in this trial, that which, if lost, will bring ruin on my client, and spread desolation over a numerous, amiable, and respectable family. But whether it be that nature has given to me a more sanguine and enthusiastic disposition than to others, I know not: I must confess, however, that I address you with strong and ardent hopes. And if I can instil into your minds but half the conviction I feel of my client's innocence, his acquittal is secure.

The district attorney, in stating to you this case on behalf of the prosecution, said, that the excitement produced by the lamentable event which has caused this trial did honor to our city. He spoke truly; but he must admit that it has formed a frightful impediment to the due administration of justice. It was honorable to our community, because it bespoke universal horror at the atrocious crime imputed to my client: but there is another feeling capable of doing still greater honor to this city, the noble renunication of prejudices and antipathies, formed with precipitation and error, and discarded under the influence of cool investigation and deliberate inquiry. I rejoice to perceive how rapidly they have disappeared amidst the vast assemblage who have listened to this trial, as the testimony became developed; and assuredly it will redound to the honor of this community, to find that an unprotected stranger against whom every arm was nerved, and every voice was raised under a belief of his guilt, can safely commit his dearest interest (unknown and unprotected as he is) to a jury taken from that incensed community, and receive from their patient attention and examination of his case, his own acquittal and a recantation of those preconceived opinions, which seemed calculated to overwhelm him in disgrace and ruin.

And indeed, gentlemen of the jury, I should not indulge in the expectations I have avowed to you, if I did not believe I was adressing men who will not suffer any thing to sway their minds but the testimony and the merits of the cause, who

when placed in that seat of justice, will shake off and cast behind them all those rumors and prejudices which have hitherto preoccupied the public mind: and which, I must confess, took possession even of myself. For when I first heard of the dreadful calamity which closed the life of Mr. Stoughton, I partook strongly of that excitement which agitated the whole city: but I had not conversed one half hour with my unfortunate client in his prison, till I felt a conviction which has ever since continued gaining strength in my mind, that he is free from reproach as to all criminality of act or intention. And it is, because I think it impossible an intelligent jury can be led, on due consideraton of the evidence, to arrive at a different conclusion, that I so confidently hope that the hour of his deliverance is at hand.

Gentlemen of the jury, as by the constitution of this State it is your part and your duty to form your own conclusions of law as well as of fact, in every criminal case, so it is my duty, with the most entire confidence nevertheless in the court that presides, to lay down the law applicable to the evidence, as well as to comment upon the authorities cited by my adversaries. And in doing so, to prepare your minds for a more accurate examination of the evidence which I have to discuss.

The first doctrine I have to remark upon, is the position insisted on by our adversaries, that the burthen of the proof is placed upon the prisoner. This position is founded upon an authority which I shall endeavor to explain, and to repel its application to this case. It is found in Foster's Crown Law, p. 255, as follows: "In every charge of murder, the fact of killing being first proved, all the circumstances of accident, necessity, or infirmity, are to be satisfactorily proved by the prisoner, unless they arise out of the evidence against him; for the law presumes the fact to have been founded in malice, until the contrary appeareth". That, gentlemen, is a doctrine I do not mean to question; but the application of it seems to me to be strangely misunderstood. The rule of law supposes a thing which the writer intended not to be overlooked, for he has caused it to be printed in italics, "the fact of Killing being first proved". It is not because a death is proved to have taken place, that any man who is accused is put to the necessity of proof, until the act of killing by him is first established: and why? "for the law presumeth the fact to be founded in malice till the contrary appeareth;" that is, the fact which the evidence establishes to be his act.

But before the law will raise any presumption against any man for any act, the doing that act must be first proved against him.

There is also another qualification: "unless the circumstances, &c., arise out of the evidence produced against him".

We have examined but one witness as to the facts. He has not given a new character to the circumstances, which were detailed by those of the prosecution. On that ground, therefore, no burthen of proof is thrown on us, but you are to draw the natural inferences from the facts stated. But what is the true meaning of the rule itself? An indictment avers facts, and states an inference from these facts: when it says that a man committed the crime of killing a person with malice aforethought, then it is an indictment for murder; and in that case you are not bound to prove the malice aforethought, if you prove the killing by the party accused. Then it is that it lies upon him to prove the circumstances not averred, but which, when proved by him, are competent to rebut the first presumption, and to alter the character of the transaction—but the law never intended to say that any part of this presumption or of this rule, is to dispense with clear, sufficient and adequate proof of the facts laid in the indictment. And gentlemen, the first ground we take is, that the evidence did not warrant the conclusion that the death of Mr. Stoughton was occasioned by any act of the prisoner; however unexplained it may be by him, or inexplicable by those witnesses who, though they were present, yet were too much agitated to see distinctly. But till the killing is first proved by competent testimony, in the manner laid in the indictment, a jury is not warranted in drawing any inference

My associate counsel has truly told you, all that you are to try is to be found in the indictment: it is your text book: it was, therefore, read to you when the prisoner was given to you in charge. Let us, therefore, refer to it: it states that Robert M. Goodwin, in the peace of God and the people, in the fury of his mind made an assault, and that he made that assault with a certain drawn sword, which he in his right hand then and there held, and that he gave him with that instrument, so held in his right hand, a mortal wound near his ninth rib. It states that he with the said sword did thrust and penetrate his body.

Now, gentlemen, there may be, and there are, averments in that indictment, which are not essential to constitute the crime, and their proof may be dispensed with, but the truth of every fact material to constitute the crime must be proved as laid, or must be a necessary consequence from facts which are proved. You have no right to extend the accusation, and say that he is guilty of any other thing but that which has been given to you in charge. Let us then see what averments in that indictment are essential and necessary. I do not mean to mislead you by saying that certain parts of this record may not properly be considered as mere formalities; but I must confidently say, that these parts are essential, and the proofs of them indispensable: first, that he made an assault upon James Stoughton: and that term assault is to be understood in the legal acceptation of the word. I admit that if one commits an excessive outrage upon another who has first assaulted him, and kills him, that is an assault within the term of the indictment; but if there is not an excess on the part of the prisoner, nor any other act, such as, if he were indicted for an assault, would be sufficient to convict him, the averment that he made an assault is legally falsified. Secondly, this also is essential in the framing of the indictment: that he with a certain drawn sword or dagger, which he in his hand then and there held, him the said James Stoughton did stab, thrust and penetrate, giving to him a wound on some part of the body that will correspond, or nearly so, with the description in the indictment. By taking this indictment therefore as your guide, you will distinguish what you are to find and pass upon; but observe still further, you are not to find any of those facts, however properly charged, of the certainty of which you have a reasonable doubt; and as it is the business of the prosecutor to establish with certainty every fact he has averred, doubt alone gives to my client the right to his acquittal. You cannot satisfy your consciences by finding some thing, I know not what, but some thing that you should suppose nearly allied to the offence given you in charge. Exceptions to this rule were stated and referred to, in hopes of inducing you so to do. All the authorities relied on by our adversaries are to be found in 2 Chitty, Cr. Law, 734. From them we can collect that an allegation of one kind of death is never supported by evidence of another essentially different; so that if it be alleged, that the murder was committed by stabbing, and it be shown to have been by drowning or poisoning, the prisoner must be acquitted. This is the general doctrine; the exceptions are, that the particular species of weapon need not always be exactly proved: for instance, the allegation of assaulting with a staff, is proved by evidence of violence offered by striking with a stone in the hand; and an indictment for murder by one sort of poison, is supported by proof of murder by poison of another kind. But the act of the party is always material, and so far as relates to that, the cause which conduced to the death, must be always proved as laid. The instrument or the poison may be immaterial, because it makes no act of the party, and therefore some certain act done by him, if proved as stated, will maintain the indictment, though done with a different weapon; but in every instance, the act of the party which caused the death must be proved as charged. Take the first instance, of the man charged with striking with a stick, and proved to have struck with a stone. In recurring to the original authority in 1 East. P. C. 341, it is manifest that it was a stone, not thrown as a missile weapon, but held in the hand, and used as a staff to strike with. The act of the party is the

same in both cases; and I may confidently say, there is no case where a conviction was ever had, if it was proved he struck with a staff, and it was charged to be a death occasioned by the throwing of a stone. It has been only when the manner of using a thing, or the nature of the killing, was identically the same. So it would make no difference if it were charged to be a poisoning with arsenic, and proved to be with sugar of lead, or corrosive sublimate. It is his act that must be proved, and his act is the same in both.

The counsel here referred to several approved precedents of indictments, and read from them to show with what particularity the manner of the death and the act of the defendant was always laid, being the most material of the indictment. See Mary Blandy's case, Cr. Cir. Ass. p. 293, which was a charge of poisoning, and the manner and contrivance of the defendant in laying the poison for the deceased, that he might take it in ignorance, is stated with great particularity; and see other precedents of like nature. Ib.

Now it is manifest that if the prisoner can be indicted at all, the only way in which this fatal accident can have taken place was, by the knocking or throwing Mr. Stoughton down by Mr. Goodwin, when the dagger was on the ground. Let me then illustrate my position from the indictment just read. Suppose a man gives a shove to another, by no means calculated to cause his death, but that in consequence of that shove, he falls into a cellar and fractures his skull, or into a pond where he is drowned, would it be correct, in either case, to say he gave him a mortal wound? Neither would it in this case. I repeat it, you may lay the act as far as concerns the weapon, with a certain latitude: but the act of the party from which death has ensued, must be described truly without any latitude whatever.

This principle then, if I have established it, is, in my judgment, entirely applicable and fully sufficient for the acquittal of my client, even though it should be believed that a homicide was committed by an unlawful act of his. Even supposing, for argument sake, that he was responsible for the act of shoving or casting the deceased on the ground, yet the indictment should state that the death resulted from that casting on the ground.

It follows, therefore, that under this indictment, Mr. Goodwin cannot be convicted, though you should believe that death was caused by the fall of Stoughton on the weapon, and that such act was produced by an unlawful act of Goodwin, unless you believe he gave a thrust or actual stab. For though the law might, in that case, visit upon him the consequences of the illegal act, yet, under this indictment, he cannot possibly be convicted.

There is a doctrine which stands upon ancient and venerable authority, which has been in some respects questioned, but which, for the purpose of my argument, is, I think, established even from the discussions it has undergone (2 Hale, 184): where it is laid down, that if the indictment charges that the prisoner gave a mortal wound, without saying that he struck, it would not be sufficient. A later author, Mr. Hawkins, seems to doubt of this, but let us see upon what authority: (Hawk. Pl. Cr. vol. 2, ch. 23, § 82). It is not safe, he says, to omit the word *percussit* (that he struck): and by the authority of some books, he says, it cannot be supplied by stating that he gave a mortal wound (*dedit mortale vulnus*), yet in Coke's Reports, he adds, this doctrine seems to be questioned, neither do I find any particular reason why the word *percussit* should be of such absolute necessity; for it is not pretended in the case (Long's case), which is the chief foundation of this opinion, that it is a word of art appropriated to this use: but all that seems contended for there is, that where the death was occasioned by any external violence, coming under the notion of striking, "it must expressly appear that a stroke was given". It is, therefore, clear, even from Hawkins' authority, that when a stroke is laid as the cause of the death, proof of a stroke is indispensable. The using of the word strike or stab, may perhaps sometimes be dispensed with; but never the proof of a stroke or

a blow, if the death be charged to have proceeded from a stroke or a blow. And I therefore contend, that if the fact of defendant's striking the deceased with that dagger, and thereby giving him a mortal wound, be not here proved, then this indictment is not proved, and no conviction can follow, even though the prisoner should be guilty of some other act which might, perhaps, be construed into an act of manslaughter. Until some act of striking is proved, either by direct evidence, or such combination of circumstances as make it a necessary inference, we are not obliged to take the burthen of the proof upon us. The public prosecutor has never reached that goal he proposed to arrive at, when he put that averment upon the record; and if he only left a doubt upon your minds, whether there was a stroke, and has not altogether satisfied your judgment and your merciful consciences, and your oaths, on that subject, then he has not yet put us on our defence.

But, gentlemen of the jury, there are other principles more important to the character and reputation of my client, which also conduce to his acquittal. I began by saying, that in every act of manslaughter, the act of the party causing the death must be a voluntary one; and I wish this position to be accurately taken down, and marked and understood by you all, because to me it seems clear as demonstration can make it, that manslaughter cannot be committed, unless the act which caused the death was voluntary. If I doubted as to my own correctness on this position, I should derive infinite confidence from the definition given by Judge Parker on the trial of Selfridge (p. 158), that the crime of manslaughter consists in the unlawful and wilful killing a reasonable being, without malice express or implied, and without any reasonable cause. The act then must be wilful, as well as unlawful. One may kill another wilfully, and be innocent: the act occasioning the death may be unlawful, and he may be innocent: but this definition, so coupling these terms, is one that is perfect, and never can be shaken.

But let not the word wilful be misunderstood. What then, it may be asked, is its meaning? I say, proceeding from the will of the party. I admit the death may be manslaughter, though it happened in consequence of an act, by which the accused did not mean to cause death; but it must be a voluntary act, whatever its consequences may be, before it can render the party guilty of manslaughter. Where any part of the system of our law has a relation to, or connection with another, the parts so connected are mutually strengthened and confirmed. I therefore support this doctrine, by recurring to an authority I have already cited: when, if it said that the words strike or stab must be laid in the indictment, it is meant that it may be put in issue whether the defendant did that unlawful and wilful act of striking or stabbing. That, then, is the meaning of the definition by Mr. Justice Parker, in which the law is thus briefly expressed, that manslaughter is the unlawful and wilful killing, &c., though without malice either express or implied. And I go farther, and say that this is without exception, the doctrine which must be deduced from every English case that has or can be referred to. To prove this, I the rather take the cases which the learned counsel opposed to me have cited, because I am bound to presume and do presume, that they are selected with the greatest care and judgment, in their own favor.

Here the mayor asked Mr. Emmet whether he had found in any book of authority that the word wilful was held essential in the definition of manslaughter—to which Mr. Emmet replied that he had: he cited the words of Judge Parker, and only added this commentary of his own, on the word wilful, that it must be the voluntary act of the party killing. He then proceeded.

The first case cited merely went to the distinction between murder and manslaughter. It is said in 1 Hale, P. C. 475, that if A throw a stone to kill the poultry or cattle of B, and the stone hit and kill a bystander, it is manslaughter, because the act was unlawful, but it is not murder. God forbid, I may add in passing, that it should be held so here, where it would inflict upon the party the dreadful penalty

of the law; and I must confess that from my earliest studies in the profession, I have never ceased to regard this doctrine with horror. When such a case is put as that of a boy shooting playfully at a bird on the road, and unintentionally killing a man, a stranger against whom he could have no malice, or his playmate, or his brother, and he is adjudged to have committed manslaughter. Though I admit this to be the law of England, yet I have never read the position without shrinking into myself. In that case, however, the act of the boy was voluntary—he intended to shoot; the killing was by an act he intended to commit, though he never calculated the consequences of that act to be the death of another. In the case of Ward, the boxer, (1 East. 270,) Ward intended to hit the blow, although he never thought that death would follow from it. So in Sir John Chichester's case, fencing in sport with his servant, who probably might have been reared up with himself in habits of familiarity from early youth, and whom, to use Lord Hale's words, he very well loved, from the accident of his scabbard's being stricken off by his servant, the point of his rapier accidentally wounded his groin, and Sir John was found guilty of manslaughter. This, to all human feeling, must appear one of the harshest cases in which technical subtlety ever prevailed to overwhelm a wretched man, and afflict the afflicted. But still it confirms my position: for there the defendant intended to make the thrust; and though he did not intend the death, it was his undoubted and voluntary act that caused it. In Snow's case, the boy who committed the crime had come home intoxicated and insulted his father. His brother threw him down and gave him some blows; he drew his penknife and without intending to cause his brother's death, but indulging his passion, he intentionally used his knife for the purpose of making a stab at his brother. Indeed, without going through the tedious range of all the authorities in the English books, I will venture to affirm that there is not one where the wilfulness of the act did not enter as an ingredient into the crime of manslaughter. I shall now allude in confirmation of this position to two cases stated by Hale, referred to by Mr. Hoffman, and also cited by the opposite counsel; but which did not, according to the intimation of the court on yesterday's argument, go as far as we could wish. While I now read the passage in 1 Hale, P. C. 480, I request you to observe that there are two situations contemplated in this statement: First, A assaults B, who flies to the wall, holding his sword, knife or pike in his hand; or falls holding his sword, knife or pike in his hand; A runs violently upon the knife of B, and thereupon dies: this is death of misadventure, (per unfortunium.) Where is the difference of principle, or even of circumstances, between one of the alternatives put by Lord Hale and this case? A assaults B, who falls, holding his sword, knife or pike in his hand. A falls on it without any thrust or stroke offered at him by B, and thereupon dies; this is death by misadventure. The principle does not depend upon B's actually falling; but upon A's falling upon the sword, without any thrust or stroke offered at him by B. Neither does the principle of that case in any respect turn upon any part of the law of self-defence; for then Lord Hale would have said it was a case of justifiable homicide, and of a nature entirely distinct from misadventure, which is only excusable. The falling of B is only mentioned to manifest that the wound must have been unintentional; and the first assault by A, and B's retreating to the wall are only mentioned to show that B was doing no wilful act; but the true state of the case was, that one party merely held the weapon on which the other fell. And it proves all I say, that if in a casual rencounter one party meets his death, but without thrust or stab given by the other, or voluntary act, causing the death, it is misadventure. To say that one held the sword and the other ran on to it, is no more than to say, that if there is no intent in the party to do that very act which caused the death, it ceases to be manslaughter, and becomes misadventure. It is true, it is the person assaulting that has met with the misfortune, and such was also the fact in that instance; but on the subject of manslaughter it stands on equal footing in

the law, whether the assaulter or the assaulted fell, though in murder it is different: the making of the assault is then material; but when the thrust or stab has never been given, or the death arisen from a voluntary act, it cannot be manslaughter, and must be misadventure. So in page 493 of the same book; if B, having a pitchfork in his hand, A assaults him so fiercely that he runs upon the pitchfork, B offering no thrust at all against A; though this be a very difficult matter to suppose, yet, if the fact be supposed to be so, he says, B *forfeits no goods*, because it was the act of A himself; and some have said rather that in that case A is *felo de se*. This case also keeps up the uniformity of the principle that manslaughter must be by a voluntary act; and though for every voluntary act he must abide the penalties of unforeseen and unintended consequences, yet he is not to answer for a misfortune not occasioned by any act of his.

Now let us see, the cases being disposed of, whether I am not based upon a still more solid principle than book authority. Does not justice require that the act causing the death should be voluntary? For God forbid that he who had no criminal intention should suffer for a crime. If the words found in the indictment, "in the fury of his mind", are meant to distinguish the act from a mere casualty, surely the construction should be at least that the act should be voluntary.

The doctrine I am contending for is the law of England, and deduced from English authorities; but it is infinitely more important to insist on it here, than it could be in that country, for there the punshment of manslaughter is discretionary with the court; but here it must be at least three years' imprisonment in the State prison. If I were pleading for my client at an English bar, I should probably not deem it material to his interests, that I should dwell upon the position I have just advanced; because from the gradual alteration of times and opinions, which would protect him from a forfeiture of goods, it would be little worth the pains of any English lawyer, having once established that the casualty was not imputable to him, to cite cases or argue very strenously for an acquittal. His client would, upon conviction, be fined perhaps one shilling, confined one day, and then discharged. For what reason I do not know, but the fact in this State is, that all discretion in the punishment is taken from our courts of justice; and my client must, if convicted, inevitably be sentenced to a punishment more bitter than death to a man of lofty feelings and honorable character, nurtured and bred with sentiments worthy of his station in life.

When it appears from certain acts of the legislature, that every man found guilty of manslaughter, should be sentenced to the State prison for three years, should it not also be inferred, that the legislature meant nothing inconsistent with reason and justice; and that those were not to go for three years to the State prison, whose offence was not deserving of such a punishment. If it made the law, it gave the construction, and must have meant that no man should be so punished for an act free from criminal intent. Even in England, in those cases where the degree of the offence is regulated by the standard of property, you will find the most austere judges instructing the jury that they are authorized to find the property of less value than every living being knows it is; and they thus rescue the victim from a punishment which their humanity tells them is beyond his guilt. Am I wrong, then, in saying that your oaths should bind you to the very strictest investigation of the evidence according to my principles; and your consciences should not yield to any thing that does not bring demonstration home; and that therefore you will stop and see whether the testimony compels you to believe that the dagger was not on the ground at the time of the fatal mishap; and that the prisoner did more than hold it in his mand, without the slightest intention of doing an act that could contribute to the death. But if you should go farther and believe with me, that in truth the weapon, at the time of the accident was lying on the ground, and that in the course of the conflict, Mr. Stoughton tripped or fell, and, in so doing, received the mortal wound, how much more conclusive are my arguments!

These considerations, if you feel them with the force that I do, will supersede the necessity of all further discussion, and put an end at once to the prosecution, whether Mr. Goodwin's conduct in the conflict was unlawful or not; for if the essential thing is wanting, if it was not a voluntary act, then the unlawfulness alone can never make it amount to manslaughter.

The definition of manslaughter cited by the opposite counsel from Hawkins, b. 1, c. 20 § 1, is, in a technical sense, correct; but I shall render it more exact to the minds of men not accustomed to legal discussions, by recurring to Lord Coke himself for the definition. (3 Inst. 56.) He says: "There is a homicide which is neither aforethought nor voluntary, as if a man kill another by misadventure or accident". And here let me, in passing, remark, that the very division of his subject adopted by Lord Coke, "homicide which is neither aforethought nor voluntary", i. e., which is neither murder nor manslaughter, very strongly justifies the insertion of the word wilful, by Mr. Justice Parker, in his definition of the latter offence, and exceedingly fortifies the position on that subject, which I have already discussed. But to return to my argument. Lord Coke in the same passage proceeds: "And homicide by misadventure is, when a man doth an act that is not unlawful, which, without any evil intent, tendeth to a man's death". Now Serjeant Hawkins has substituted for these words, "without any evil intent", the words, "without any intent to hurt". And he has, with little necessity, substituted the words, "lawful act", for "act not unlawful". They surely mean the same thing, though the latter expression may convey the idea more accurately to your mind. Then to this definition of Lord Coke I will adhere, and to avoid the confusion that arises out of these words, "without any intent to hurt", I shall say with Lord Coke, without any intent tending to the man's death. And then if the intention be not to do the act, and if the act be not unlawful, death arising from the two combined together can alone amount to manslaughter. The counsel on the other side may, perhaps, insist that to either of these definitions should be added this phrase, viz: *without due caution.* This has been often said, and I do not think it necessary for us to contend against it; but in admitting it, let me apprise you how you should receive it, by reading a passage from a most able criminal judge, Foster, 263, who says, "I cannot help saying that the rule of law I have been considering in this place, touching the consequence of taking or not taking due precaution, doth not seem sufficiently tempered with mercy. Manslaughter was formerly a capital offence, as I shall hereafter show. And even the forfeiture of goods and chattels upon the foot of the present law, is an heavy stroke upon a man, guilty, it is true, of an heedless, incautions conduct, but in other respects perfectly innocent. And where the rigor of law bordereth upon injustice, mercy should, if possible, interpose in the administration. It is not the part of judges, to be perpetualy hunting after forfeitures, where the heart is free from guilt. They are ministers appointed by the Crown for the ends of public justice; and should have written on their hearts, the solemn engagement his majesty is under, 'to cause laws and justice in mercy to be executed in all his judgments' ".

Now, gentlemen, if the mere forfeiture of goods calls for this merciful administration of justice: if this respectable judge thus speaks of tempering the rigor of the law, think of that terrible punishment that must follow upon your verdict of conviction. Temper your verdict also by that same mercy. You are not hunting after forfeitures of goods; but you are called upon to utter a fearful sentence, far more than forfeiture of goods, far worse to an honorable mind than death itself. You are not kings, nor bound by the oaths of kings: but you are bound by the precepts of the God you worship, as much as kings can be, to administer justice in mercy. That oath of the king, is only to fix in his mind the admonition of the King of kings, and which he gives alike to kings and subjects, who are equal in his eyes. It speaks only that command of God to man which is embodied in his oath, as a divine instruction to him and his people.

What is the nature then of this "due caution"? Where the lawful act is deliberately

begun and carried on, there may be time for caution; and if it be possible to justify, before a jury of this country, a judgment like that against Sir John Chichester, it could be only upon this ground, that the killing was there in a dangerous kind of sport, which the parties had deliberately entered into; and then, perhaps, greater caution might be exacted. But here the circumstances were such that the mind of the defendant could not be composed, nor could he be self-possessed: the rule as to him must therefore be taken with great latitude. Let us illustrate the distinction by supposing a case. If a number of persons go on a boating party, it is a lawful act in every person: if the vessel should be overset, each would endeavor to save himself, which is also lawful. All might be saved, if all were cautious and deliberate: they cling to the keel, but one in his flurry shoves another off, who is drowned—would you sentence him to the State prison for three years, and give him as a reason that he had not used due caution in his exertions for himself? You could not do so; every merciful consideration would warn your consciences, that in such sudden emergencies no man is competent to the exercise of "due caution", nor master of the ordinary powers of his mind. The conclusion from this illustration is, that where the act takes place under circumstances which naturally destroy all self-command, the rule touching observance of due caution will receive a very large and liberal construction. But here I may passingly observe, that a caution greater than perhaps would be expected on such occasions, was manifested by this unfortunate prisoner, when he took the blade in his hand, and struck with the handle of the dagger in the manner described by Mr. Cambreleng.

I have now, gentlemen, stated to you the general principles of the law of homicide on which we rely; and before I examine the facts entering into the merits of this case, let me advert to a piece of testimony which, under that law of homicide, I think should not have been introduced at all.

Major Smith was examined to prove that the prisoner procured from him the cane unfortunately containing the dagger which gave the wound, but the evening before the affray. If that fact could afford any inference, it could only be to affix a charge on my client, from which the grand jury have absolved him, and which you are not to try—from which he is not called upon to defend himself, and which he may well be unprepared with evidence to explain. But, gentlemen, that inference is most strained and uncharitable, and such as should never be applied to human actions.

Two gentlemen, friends from childhood, met under circumstances of conviviality well calculated to exalt their mutual attachment, and expected to separate again in a day or two perhaps for ever. The stick happened to catch Mr. Goodwin's eyes, as Major Smith held it on a chair, in a gay and unimportant conversation. Both had sticks not unlike each other, and my client proposed to exchange them as mutual keepsakes. Major Smith says it was done after a few words; that it was understood between them, the exchange was only made as a memento; and he did not know, that when Mr. Goodwin proposed the exchange, he was aware there was a sword in the witness's cane. If this is to be urged as a proof of deliberate and premeditated malice, what man can guard the most inconsiderate and thoughtless actions of his life from the foulest and most terrible construction? It would be unworthy of a jury to bestow on it a moment's deliberation; and particularly as it has no relation to the issue they are sworn to try.

In considering the facts really connected with that issue, the first question that presents itself is, was the act of Mr. Goodwin in his conflict with Mr. Stoughton lawful? or, to continue the use of the expression I have already adopted, can it come within Lord Coke's definition as "no unlawful act"? To decide this, consider it without adverting to that fatality which ought to have no influence on your minds in judging of the act itself, and which could only mislead you in determining on its legality or illegality in the abstract. Suppose the prisoner was defending himself on an indictment for a mere assault and battery, or in a civil action by the plea of *son assault demesne;* that is, that he was first assaulted by his adversary. This is the fair way of judging, as there is no law peculiarly applicable to manslaughter in this respect. The legality of Mr. Goodwin's

act is to be judged of simply upon this ground; whether under the circumstances of the case, he could be found guilty of having committed an assault and battery. The opposite counsel endeavored to elude this test by citing authorities which are totally inapplicable to manslaughter. They refer to East's Cr. Law, vol. 1, p. 239, where, speaking of homicide from transport of passion or heat of blood, the writer says: "In no case, however, will the plea of provocation avail the party, if it were sought for and induced by his own act, in order to afford him a pretence for wreaking his malice. As where A and B having fallen out, A says he will not strike, but will give B a pot of ale to touch him; on which B strikes and A kills him: this is murder". This authority is applicable exclusively to cases of murder and has no reference to the law of manslaughter. It is grounded upon the crafty words used to evade the law, "I will give you a pot of ale if you will strike me"; that show the previous and premeditated malice which is an ingredient of murder. But it has no application to a case of manslaughter, where malice is not at all in the question, and when the act stands simple and alone. So in I Hale, 457: "A and B are at some distance: A bids B take a pin out of the sleeve of a A, intending thereby to take an occasion to strike or wound B, which B doth accordingly, and then A strikes B whereof he dies: this was ruled murder. First, because it was no provocation when he did it by the consent of A. Second, because it appeared to be a malicious and deliberate artifice, thereby to take occasion to kill B". I therefore, gentlemen, set aside these and any other authorities concerning previous provocation, as relating to murder only and not to manslaughter; and then I contend on the general principles of the law of assault and battery, that the provocation alleged to have been previously given by Mr. Goodwin to Mr. Stoughton, cannot make his subsequent conflict unlawful. There is no doubt but that the deceased struck the first blow; for though Mr. Clark did not see it, Weed and Cambreleng did; and the district attorney, with that candor which has marked his proceedings throughout this cause, admitted the fact. It is enough for me then to say, without coming to the express definition of a "lawful act", under the authority of Lord Coke, that the prisoner's conduct was not unlawful.

Our adversaries, however, dispute this position, and contend that in the eye of the law, Mr. Goodwin committed the first assault by the pointing of his cane towards Mr. Stoughton; and for this they cite Hawk, b. 1, c. 62 § 1. "It seems that an assault is an attempt or offer with force and violence, to do a corporal hurt to another; as by sticking at him with or without a weapon, or presenting a gun at him, at such a distance to which the gun will carry; or pointing a pitchfork at him, standing within the reach of it, or by holding up one's fist at him, or by other such like act done in an angry threatening manner". But, gentlemen, the doctrine there laid down is totally inapplicable to this case. The acts there specified were held to be assaults, because they were attacks upon the safety of another; they were intended for the purpose of committing personal violence, and begun and proceeding towards personal injury. But here, the pointing of the cane was no more an assault than the pointing of the finger. It was an indication of the person, and nothing more. Let me remind you also, gentlemen, that in such a solemn proceeding as this, the defendant is entitled to the benefit of the legal definition of the offence charged upon him in all its parts and strictness. If the provocation appears to you, as I fear it must, to have been wrong, fully as I admit it, and deeply as it is regretted by my client more than by any other person, who with a contrite heart says through me, would to God it never had been given, nor the terrible consequences followed from it; yet neither that contrite admission of the party, nor the lamentable consequences of the act, are to deprive him of the benefit of the law in every shape. And the law says, that the pointing, not being with a view to a battery of the person, nor to any personal violence, was no assault; for that the intent of violence is a necessary ingredient to constitute an assault. .

But that transaction, whatever may have been his character, was ended. Mr. Goodwin had gone on his way, as also had Mr. Stoughton; and with respect to the

consequence of that act, all was past and over. The returning and following of Mr. Goodwin by Stoughton, was a new and distinct act, which should entirely be separated from the former in your consideration. If Mr. Goodwin had been the person slain, and Mr. Stoughton the person upon trial, he never could have availed himself of the defence, that his striking Mr. Goodwin was lawful; and if he could not so avail himself, though the calamitous accident has changed the situation of the parties, the act of Stoughton must continue unlawful; it therefore follows of necessity, that the resistance to it, and the conflict ensuing upon it, was "not unlawful". And, in truth, that case, where one said to the other, as an excuse, "take this pin out of my sleeve", would apply to Mr. Stoughton with all its severity, if he were upon trial, and not to Mr. Goodwin. I should be sorry to see such severity of construction administered at all; but, if it were, it could be only in respect to Mr. Stoughton.

It has been intimated that Mr. Goodwin's continuing the conflict after the deceased began to retreat, was unlawful, and gave that character to the subsequent events. I cannot, however, conceive that your verdict will ever sanction this doctrine. In East's Crown Law, v. 1, p. 239, the author, after observing that the punishment inflicted on any sort of provocation must not greatly exceed the offence received, adds, "This has been urged with caution, because in cases where the mercy of the law interposes in pity to human frailty, it will not try the culprit by the rigid rule of justice, and examine with the most scrupulous nicety, whether he cut off the exact pound of flesh". What was the duration of this affray, which, it has been intimated, Mr. Goodwin continued too long? Perhaps not half a minute at the utmost. Two or three blows passed on each side in an uninterrupted scuffle. Mr. Stoughton retreated, not because he wished to give up the contest, but because he found his adversary somewhat stronger than himself, and, perhaps, in order to regain a vantage ground. Is such retreating, accompanied with preserving assaults and blows, sufficient to prevent a man from using violence to repel the continued violence of an aggressor, and for the purpose of self-defence? Where was the disposition of Mr. Stoughton to discontinue the conflict? When did he cease to attack the prisoner, or renounce the original purpose with which he commenced the assault, while he had the capacity to carry it into effect? Mr. Clark says, though perhaps somewhat mistakingly, that after the deceased rose up, he actually struck the prisoner. Mr. Phelps and Mr. Cambreleng say, he appeared determined to renew the attack; and Mr. Weir says, he made an effort to do so. This evidence is, I trust, sufficient to prevent the inference that Mr. Stoughton had given up the conflict, or that the prisoner was bound to suppose he intended doing so.

Mr. Goodwin is further charged with striking Mr. Stoughton when he was down. Permit me to say, that fact has no relation to what you are to try, unless so far as it affords an inference favorable to my client. Favorable indeed it is, because, as I shall hereafter show, it proves how both his hands were employed at the time he is said to have stabbed his adversary; and also, because it shows an unconsciousness of what had taken place. But remember, gentlemen of the jury, you have no evidence before you, and, I trust in God, the wide range of this earth could not produce the evidence, that Mr. Goodwin was that abandoned wretch who could have continued beating a man in the face, to whom he had already given a mortal wound. Would to God it had not—that no part of this tragedy had taken place; but it must at least serve to show that he never could be conscious of having stabbed his antagonist before that moment; and then, or after that, he certainly could not do it, since whilst his hands were both employed about his adversary's face, he could not then plant a dagger in his heart.

This brings me to the notice of a question asked of a witness, as if to make it testimony in the cause perhaps without intention. But it was asked, "Is not Mr. Goodwin a military man"? For what was that asked? Was it to exhibit him to you, gentlemen of the jury, as a skilful assassin? Is that an attribute belonging to your army? Was it in that quality your soldiers marched against your enemies, and fought the glorious battles

of their country? Is that sarcasm applicable to your forces by sea or land? Does it come properly from one who owes, perhaps his existence, certainly his safety, and his present tranquil enjoyments, to the fatigues, the privations, the sufferings, the virtues and heroism of that army? If my client was a military man, was it in that schoool of valor and honor that he could acquire the disposition of an assassin? Did he learn to be so in the battle of New Orleans, in that conflict, so glorious to our warriors, and fatal to their foes? Did he learn it fighting any where in the defence of his country, as our soldiers always did openly and face to face with their enemies? Was it in any of those exertions of body and of spirit, by which a foreign foe was gallantly combated, and nobly driven from our shores? What could he have learned in that school inconsistent with the character of a gentleman, and the honor of a soldier? He certainly would have learned there to meet his enemy in the most deadly combat, and face to face, whenever the necessities of his country and the duties of his calling should require; but if he is a military man, there is a nobleness in his occupaton, which, in itself, should check the surmise, and silence the whisper, that he could be an assassin. It may indeed, have given him too exalted notions of what are called the laws of honor, and may have led to his using those words of provocation, and those slaps of insult, which both he and I deplore; but most assuredly, it never taught him to use a sword or dagger in any secret, base, or hidden manner, to work the death of an unarmed adversary.

Let us now, gentlemen, examine into the circumstances of those blows. I have said they were only intended to affront or degrade, and not to inflict any injury by personal violence. I need not give a stronger proof than the bare fact, that Mr. Stoughton was lying on the ground when he received them, and not in the attitude of defence, and yet they did not leave a mark or bruise. If the prisoner struck with force, when no blow he struck was returned or parried, the marks would have testified to the atrocity of the act. Whatever blows then were given, when Mr. Stoughton was on the ground, as they left no trace, so they were intended to leave none. But it is alleged, these blows were given with a cane, from which a dastardly intention of personal injury is inferred. On this subject there is a direct contradiction of the witnesses. Those who testify to that fact, and those who disprove it, however honest they may be, cannot both be correct, and you must, therefore, decide between them. In doing so, I think I can give you one unerring rule; wherever there is a contrariety of evidence, that statement cannot be believed, which leads to an impossible or an absurd conclusion. And I hope to satisfy you, that believing Mr. Goodwin struck Mr. Stoughton when on the ground, about the head, with the handle of the dagger, would necessarily lead to the absurd conclusion that Mr. Stoughton was not stabbed at all, and did not die of any wound; while believing that the blows were given only with the hand, leads to an easy and natural explanation of his calamitous death. So far, however, as relates to the acquittal of my client on this indictment, it seems to me, that in whatever shape this fact is put before you, it equally leads to the conclusion that Mr. Stoughton's death was accidental, and not effected by the voluntary act of Mr. Goodwin. If these blows were given by the hand only, either open or clenched, they show that the dagger was then out of his hands, and give great probability, if not certainty, to the conclusion which I am sure you are inclined to draw, that the death was occasioned by that dagger, when it was out of the prisoner's hands. But, suppose those blows to have been given with the handle of the dagger; the witnesses who attempt to testify to that fact, agree that when they were given in the face the prisoner held the dagger (as he had done during the conflict, when standing up) by the blade, and struck with the handle. When then was the stab of the depth and direction described to you, given with the point? That he had the blade in his hand, both before and after the fall, all the witnesses agree who testify to that fact, except Vervalen, who probably saw nothing; for he deposed to things that could not possibly have happened, and in contradiction to

every other witness. Indeed, I observed a smile on every countenance, and yours amongst the rest, when he related his extraordinary vision. But, putting him aside, and reasoning on the testimony of the witnesses who say my client struck with the handle of the dagger when Stoughton was on the ground, let me ask when was that wound given which penetrated through the ninth and tenth rib, forward and upward, through the heart to the breast-bone? If it were possible to conceive that fact to be established, it would put the acquittal of my client past all doubt, for it would place it upon the very extraordinary, but very solid ground of certainty, that Mr. Stoughton was not stabbed with that dagger.

Now, gentlemen, see how the evidence stands. The opposite counsel must either renounce that part of their own testimony, on which they seem mainly to rely, or abandon the conviction of my client; for they are met by an insuperable difficulty arising from that very testimony. The prisoner held the dagger by the blade, while standing face to face engaged in the conflict, and using it upon the head of the deceased. Beyond a doubt, it was not then the wound was given. I anticipate, indeed, that you will be urged to believe the deceased fell because he had been previously stabbed to the heart. This supposition, however, is not only entirely gratuitous, sufficient causes being otherwise assigned to the fall, but it is repelled by the constant employment of the prisoner's hands in fighting about the head of the deceased, by the impossibility of his inflicting the wound described, situated as the parties are proved to have been in respect to one another, by the position in which the prisoner held the dagger by about the middle of the blade; by the great notoriety and conspicuousness of movement which would have been necessary for changing the position of the dagger in the hand, and of the arm itself, to give any thing approaching to such wound; and by the acknowledgment of all the witnesses that no one saw any such movement made. Besides, if the deceased had fallen, because his limbs and strength had failed him in consequence of the stab, the fact would have been immediately obvious to the spectators. If the wound had produced its effect upon his system, and his muscular strength had been so entirely prostrated, he would not have risen and stood as if about to renew the combat till another syncope or fainting seized him. When the true cause that the consequences of his wound on his frame became obvious and caused the failure of his strength, he fainted, and never opened his eyes but for a moment with a glare of fury, and then closed them for ever. Returning then to my argument on the conclusions to be drawn from the contradictory statements of the witnesses, I repeat my assertion; beyond a doubt the wound was not given when both parties were engaged, face to face, in the conflict, before Mr. Stoughton's fall: and they continued in that attitude until he fell. When that event took place, Mr. Goodwin lost nearly his balance, and almost fell with him. If the witnesses are to be believed, who assert that while Mr. Stoughton lay on the ground, Mr. Goodwin was using the dagger, the same evidence states that he held it in the same position, and used it in the same way over the head of the deceased. Most assuredly also it was not then the wound was given. The deceased lay upon his back, rather than inclining to the left side. Where was the space (even if the prisoner's hands had not been otherwise employed) to permit the placing of the dagger under the deceased, the driving of it in that part of his body that most particularly rested on the ground, and withdrawing it again? The motion of the arm requisite for such an operation, must have been extremely conspicuous, and yet nobody saw it. Mr. Cambreleng saw his arm, and yet saw no thrust. If then I am correct that the wound could not have been given while the parties were standing engaged in confiict—nor yet while the deceased was lying on the ground, you are inevitably brought to the time—the only time when the wound could have been received: namely, as Mr. Stoughton was falling, or fell; and then it could not have been inflicted by the voluntary act of Mr. Goodwin.

The prisoner, though he did not entirely lose his balance, yet still was falling along with Mr. Stoughton. Now let any man show me, how the prisoner, holding the dagger by about the middle of the blade, always in front of the deceased, who was falling off from him backwards, and he himself staggering or falling forwards, could have inflicted a wound begining near the back, splintering off part of one of the lower ribs, and pene-

trating ten inches forward and upwards, even to the breast bone, which it injured; and that without any of the spectators having seen the necessary change of the position of the dagger in the prisoner's hand, or of his arm, to inflict the wound! Let any man, even standing firmly, place himself in that position, opposite another, and try with a weapon of that length, and held in that manner, to inflict such a wound, and he will immediately perceive it is impossible. But when it is further considered that both were falling, and of course, that the necessary physical force and firmness of position were wanting, it is, to say the least, incredible that the prisoner should not only have inflicted such a wound at that moment; but also have withdrawn the instrument again (the deceased being on his back on the ground), regrasped it by the blade, and recommenced his blows about the head of the deceased, thus twice changing the position of the dagger in his hand, and the position and direction of his right arm; and all this unperceived by any of the surrounding witnesses.

I have said under those circumstances, the necessary force and firmness of position for the voluntary inflicting of such a wound, were wanting. Evidence has been produced that muscular strength would be adequate to the giving of that wound—but it is idle to talk about the sufficiency of muscular strength in the abstract. It can only be applicable to this or any particular case, by taking into consideration the position of the parties and the situation of the part, the strength of which is to be exerted. In this case (if the wound be supposed to have been given by the dagger in the prisoner's hand), no momentum could have been given to the weapon, by imparting to it a velocity, before the point was made to touch the body. The shortness of the human arm, the length of the blade, and the position in which the dagger must have been held and driven, to inflict, by a person standing in front of his adversary, by a wound beginning near the back, between the ninth and tenth ribs, and going upwards and forwards through the heart to the breast-bone, show that if it could have been given at all, the point must have been applied to the back of the deceased without any antecedently acquired momentum or velocity, and forced through a part of one of the ribs, and into the body to the length of ten inches, by mere muscular exertion, commencing from a state of rest. The very skilful physician who examined the wound and dissected the body, influenced by these considerations, testified, that under all the circumstances of the case, he thought the muscular strength of a man would be inadequate to the giving of such a wound, and that it must have been caused by the fall, which alone could impart the force and velocity necessary for overcoming the difficulties. Other physicians, having no respect to the circumstances of the case, said they thought the strength of a man would be adequate to drive the dagger in so far, and to illustrate their opinion, you must have observed them drawing back their arms, and then thrusting the dagger forward, with the utmost velocity and force. I was stopped in the cross-examination of those witnesses, by which I wished to fix their minds on the situation of the parties, and the impossibility that the weapon could have been driven with that velocity and force; and, perhaps, I was rightly stopped; for I was told that it was your province to draw these conclusions. I ask you then to draw them now, and I entreat you to consider whether it can be supposed, or rather taken for granted, against evident presumption, against mercy, against the character and reputation of the prisoner, that he exerted a force, to which a very competent judge thinks, and I trust you will think, the muscular strength of any man would be under those circumstances, unequal.

I therefore say, and insist, gentlemen of the jury, that whichever set of witnesses you give credit to, you must arrive to the conclusion that my client must be acquitted. If his hands alone were employed about the head of the deceased, when he was on the ground, the dagger was then out of the prisoner's hands, and the natural conclusion is, that the wound was received by falling on it, or with it, on the ground. If you can believe it was still in his hands, and held thus by the blade through all the progress of the affair, Mr. Goodwin cannot be guilty of the crime charged in this indictment, for the death cannot have been occasioned by a stab with that dagger. Extraordinary and absurd as this certainly appears, yet it is a necessary conclusion, that the whole of the allegations

about the mortal wound must be untrue, if this part of the testimony be taken as the truth.

But in this very singular case, more abundant in contradictions amongst honest men than I ever knew before, where witnesses speaking of the same thing differ so entirely one from the other, on what are you to rest? I might rely for my client, on the uncertainty of proof on behalf of the prosecution. I might tell you that where you were in doubt, you were bound to acquit.

There is, however, a surer and a safer guide for you, than the tongue of any witness. The senses of men may deceive them, their memories betray them, their feelings, passions, and apprehensions, may mislead them. But if there be any unerring fact, not to be altered by misapprehension or mistake, adopt that for your guide, and it will be a clue to lead you through the labyrinth. That fact exists, and though one rib may be mistaken for another, the wound itself, its situation, depth, direction, and nature, are certain. On them I have endeavored to fix your attention, and if you keep them steadily in view, they will give you as much certainty as the nature of this case can possibly admit.

That the cane was used in the conflict, there can be no doubt; the weight of the evidence, however, is, that the blow after which Mr. Stoughton fell was given with the fist. Mr. Clark clearly says so; Mr. McWilliams speaks as decidedly to the same fact, and says that when he was running up, before the knocking down, the battle was with their hands. Mr. Baker also says the same thing. There is therefore much reason to doubt whether the prisoner had the dagger in his hand, even when Mr. Stoughton fell. But the allegation that Mr. Stoughton was struck with the handle of the dagger while lying on the ground is much more incredible, according to the evidence. It is only stated by Weir, Haycock, and McGowan. Mr. Ball, though he speaks of blows with the cane, does not confirm them. He only says that the prisoner struck Mr. Stoughton while falling, two or three blows with the cane, but not after he fell. Mr. Clark saw no such blows; Mr. Phelps did not see them; Mr. McWilliams says the prisoner was striking, or going to strike the deceased with his fists, and that he had no cane in his hand; Mr. Baker denies that the prisoner had the cane in his hand; so do Mr. Wilder and Mr. Cambreleng.

Further Mr. Wilder says his impression is, that he saw the dagger on the cartway immediately after Mr. Stoughton was raised, and on the spot where they were, and that he did not see it in Mr. Goodwin's hand. Mr. Weed says he saw the two pieces of the cane on the cartway; he however adds, that this was while Mr. Stoughton was down. On this latter point I doubt his accuracy as to the exact time; as I am also compelled to think him mistaken about the number of blows which he says were struck before Mr. Stoughton fell. Indeed the whole affair took place so rapidly that short spaces of time might easily be confounded, and the facts which are certain, show he must have erred in point of time. The dagger, to have been lying on the ground by the side of Mr. Stoughton while he was down, must have been drawn ten inches out of the wound and placed beside him. Mr. Stoughton's fall was on his back, and rather on the left, which was the wounded side, and he lay in that position: Mr. Goodwin's hands are said to have been active from the moment of the fall about the face of the deceased. The wound I have already shown, and I think it is certain, could not have been given in the conflict before the fall, but must have been received during or by the fall. How then could the hand of Mr. Goodwin have drawn the dagger out from the back of a man lying on his back, and on the wounded part, for such a length as ten inches, and not be observed, and his hands stated to have been constantly active about his adversary's face? Is it not more likely that Mr. Weed is mistaken as to a few seconds than that impossibilities have happened? He certainly is mistaken as to the number of blows which passed before Mr. Stoughton's fall. Although looking on from the very first, he saw but one blow given by Mr. Stoughton, and one by Mr. Goodwin, which knocked the former down. Every other witness present at that part of the transaction (for Mr. Clark was not) agrees that there were several blows given by each of the parties before Mr. Stoughton fell. In this respect as well as about the dagger, if Mr. Weed had not been disturbed and agitated he

would not have been mistaken. But he could not have seen the dagger lying by Mr. Stoughton on the ground, for in another part of his testimony, he said that when Mr. Stoughton fell, owing to the crowd, he could not see him, and he did not go off his stoop to help him up; he therefore could not have seen the dagger at that time. No doubt he saw the dagger on the ground, but it was at the time that Mr. Stoughton fainted, and was again near falling; and now to his mind's eye it appears as if he saw it when the deceased had fallen. He is only wrong in the appropriation of a small portion of time in a very rapid transaction; and if so, he was right in all the rest.

It appears from the testimony of some witnesses that the prisoner had the dagger in his hand after the affray; but none of them saw it there till after Mr. Stoughton fainted. Mr. Clark, who goes farther in this respect than any other, only said he saw it in Mr. Goodwin's hand while the deceased was fainting, and he yesterday said it was after Mr. Stoughton had fainted. As to a small portion of time or minute fact, his accuracy may also be questioned, for he is doubtless inaccurate in his acount of the scuffle, and of Mr. Stoughton's striking after he was raised up. Surely then no witness who is incorrect in prominent transactions, can be implicitly relied on for small portions of time, of which he now speaks only from distant recollections. Neither Weir, Baker, Ball nor McWilliams saw the dagger in Mr. Goodwin's hand after the affray and before Mr. Stoughton had fainted. McWilliams was peculiarly well situated for seeing every thing, and is perhaps the most consistent and correct of all the witnesses in his whole story. McGowan cannot say whether the prisoner had the dagger in his hand when separated from Mr. Stoughton. Mr. Wilder denies it, and so does Mr. Cambreleng. The only explanation which can reconcile the testimony is, that the dagger was picked up and given to the prisoner; and Mr. Cambreleng says that his impression is that such was the fact. My client, a stranger, and knowing nobody who was there, either by name or person, except Mr. Cambreleng, and not having been himself observant of incidents, at the time apparently immaterial, cannot designate by whom this was done, nor produce him as a witness; but the probability of the fact, its tendency to reconcile apparently contradictory evidence, and the impression of Mr. Cambreleng, must be enough to induce a jury to believe that it took place.

I think the observations I have submitted to you, are sufficient to make you reject that statement, upon which there is so much contradictory testimony, that the prisoner had the dagger in his hand, and was using it about the head of the deceased, while he was lying on the ground. If that be not the fact, and that my client had before that parted with the dagger, let us see whether an explanation of the fatal accident does not naturally present itself. The prisoner was himself in danger of falling, and if he had retained the dagger in the position in which he was holding it, he himself would have been the person to have fallen on it and to have received the wound. From a vague apprehension of this danger, or in the struggle to save himself from losing his balance, he parted with the weapon. While it was falling to the ground, the deceased was falling also: the point may have entangled in his outer coat, and the weight of the handle may have brought it to the position capable of giving to the wound the direction which has been sworn to, or Mr. Stoughton may have fallen on the dagger, as the handle reached and rested on the ground, before it could acquire an horizontal position; and afterwards, when Mr. Stoughton was raised up, the action and motion in rising, or the weight and shifting of his clothing, or accidental rubbing against some of those that were in contact with him, may have contributed, with the weight and bulk of the handle, and the slender and tapered form of the blade, to make it fall out, unobserved and unnoticed in the hurry of the transaction.

Our adversaries have a right to object against this explanation of the melancholy catastrophe, that it is unproved. The burthen of proof, as I have already stated, still rests on the prosecutors; and it is incumbent on them to show a state of facts, fixing with reasonable certainty, the infliction of the wound on a voluntary act of the prisoner; and irreconcilable with any suppositions of misadventure. It may be said that the casual-

ties which I contend for are not likely to occur, and are in themselves extraordinary. To that I answer, that stronger objections lie against the supposition of a voluntary stabbing by the prisoner, for it is in itself nearly, if not entirely impossible. The range of chances is almost incalculable and infinite, and every one the least conversant with the accidents of life, knows that most extraordinary results in appearance, frequently happen fortuitously. There is scarcely a man who has not often seen things happen by accident, which he could not accomplish by any effort of dexterity or skill. And I do not hesitate to say, that an impartial reflector on this subject, will be much more inclined to believe that unexplained and perhaps unnoticed casualties, concurred to cause the infliction of the fatal wound, than that it was the result of a voluntary act of the prisoner, which could not but have engaged the attention of all the spectators, and which was observed by none of them.

It is true, that from the contradiction of the witnesses, nothing except the wound itself and its direction can be said to be proved with certainty; and the unfortunate man who stands accused before you, knows nothing of the fatal misfortune, nor could he without knowledge of what was to be proved, either instruct or guide us. I am therefore obliged to reason in the alternative, and to show that from no statement of the facts, can an impartial jury derive sufficient evidence of his guilt: and in making inferences for or against the prisoner, justice and mercy should go hand in hand.

The conduct of the prisoner after the fact, shows that he was not conscious of the fatality, and that it was entirely a misfortune. The surprise he manifested, when the unsheathed dagger was given to him: his deliberately remaining on the ground until Mr. Stoughton was carried into the neighboring store, and his only then retiring by the advice of Mr. Cambreleng: the open manner in which he kept the dagger in his hand, without disguise, after it had been given to him: all these things show that he had not knowingly given a wound. Had he been conscious of killing the deceased with that same dagger, would he nót have thrown or given it away? Would he not have disappeared among the crowd, and flung it into some area as he passed? He did not believe that Stoughton was a dying man; but when he saw the situation in which Stoughton was carried into the store, and heard the expression of Mr. Phelps, it first occurred to his mind that some unfortunate accident had happened which he was unable to explain; and then for the first time he asks whether it would not be more prudent to pass over to Jersey for a time, than to remain exposed to the threatening hostility of the crowd.

He arrives safely in Jersey; would not conscious guilt, if he were guilty,—for conscience will make cowards of us all,—have counselled flight? On the contrary, he walks with company to the tavern, where he remains two or three hours, at liberty to dispose of himself as he may think best. He seeks no opportunity to escape; and when the officers of justice at length come over and intimate to him their purpose, though he was apprised they had no legal authority to touch him, and full well knew the spirit and angry jealousy of that State, against what they consider as the usurpations and encroachments of New York, though he had every reason to believe that an army would have turned out to oppose any person who would dare to take a prisoner from among them, and convey him back to this city, in violation of their State authority; yet he at once expressed his determination and readiness to accompany them. And notwithstanding the courage and address of Colonel Warner, if my client had raised that hue and cry, he would have excited a host that would have made a bloody catastrophe to the expedition of Colonel Warner and his officers.

But no: he resisted the opinion intimated by a man of the first legal information. He told Judge Butler, I know my rights, but I will make no resistance. I will not withdraw myself from the laws, nor from the jurisdiction of New York. In all this transaction, do you not find a steady calmness, and an absence of all self-reproach, which must powerfully weigh on his side in the scales of justice?

Gentlemen of the jury,—I am the last to address you on behalf of my client, and I must now commit his worldly prospects, his character, his happiness, and fate on earth to the adverse observations of most able counsel, and to the deliberations of your judg-

ments. At the time of life at which most of you have arrived, I cannot hope successfully to call on you as perhaps I might on younger men, and entreat you to commune with your own hearts, and to consider the failings and the frailties of youth. I scarcely dare say to you, that the indiscretions of a young man often result from the noblest elements of our nature; that God has given to him warm blood, a sanguine temperament, and ardent spirit, that nature will occasionally have its course, and that the workings of nature must be indulgently and mercifully viewed by all who are made by nature's God. I fear your opinions may be too severe for such an appeal, and that there is no point of contact between you and the unfortunate prisoner at the bar, by which I can hope to awaken your sympathies. But there surely is—some of you must be fathers. Has any one among you a son, noble, brave, and generous, whom you love with all a father's fondness, who is the delight and pride of his mother's heart, and lovely in the eyes of his sisters? Think on him. He may be involved by the hasty error of a moment, or by the precipitancy of another, in one of those terrible conflicts which the noblest and the bravest cannot always avoid. If you have such a son, my eloquent adversaries, who are to speak when I must be silent, may perhaps place him before your eyes, and make a parallel between his fate and that of Stoughton. If so, I must submit to it. But let me conjure you, that even the tender feelings they may excite, may not estrange your hearts from mercy. Remember, also, that if he should be engaged in such a deadly contest, he may not be so fortunate to close his eyes, and escape from the sorrow, the calamities, the miseries, and the agonies of life. He may be the wretched survivor; though guiltless of any evil intent, he may be doomed to nourish in his bosom a never-ending pang; you may hear him exclaim to you in the depth of grief, as that young man has to myself, "Would to God I were in Stoughton's place!" He may stand accused in that very box, surrounded by the fears and anxious wishes, but I trust in God protected by the prayers of a doting and distracted mother, and of his agonized sisters. He may stand in that box, and you may occupy from day to day that seat of torturing suspense which the gallant brother of my client has now filled for so many days. A jury may be called to pass upon his actions, and to devote to ignominy, one intended by nature to be an ornament to the community in which he lives, and whose heart is guiltless of any criminal design. But by what rules would you wish that son to be judged? Would it be by those rules, if any such there be of human contrivance, which are reckless of the innocence of man's intention, which adjust offences by artificial reasonings, and constitute crimes from a guilt created by themselves; or by that rule which comes direct from God, and by which he administers justice in mercy to all his creatures? Would you not entreat that his fellow-men might deal with him as you trust the general Searcher of Hearts will deal with him on the final judgment of us all? So do you by my client. If his intentions were base and wicked, I do not seek to save him; but I entreat you, try him by his intentions, as that Judge will do who regards not technical distinctions, which are the offspring and proof of human weakness, whose All-seeing eye looks into the heart of man, and if that heart is guilty will condemn; but if innocent will acquit. I call upon you now, and I only ask you to act with the prisoner, as I hope the God of mercies will, when you and he shall stand before that awful presence, you to answer for your verdict, and he for his indiscretions. Let your judgments be tempered by a portion of the Almighty's loveliest and divinest attribute. The rule by which He will judge us as sinners, sheds a light of justice for your guidance, compared with which the learning of these books is darkness; and wherever they blindly depart from it, they are only filled with technical subtilties and metaphysical error. Like the God of wisdom and benevolence, attach crime to the intention, and to nothing else—absolve the innocent of heart; and when you return to the bar with your verdict, say to my client in the blessed words of the redeeming Son of that God—"Go, and sin no more!"

To all appearances Fenianism had been a miserable fiasco. In reality it had succeeded where O'Connell and Young Ireland had failed. It had opened a new era in the history of Ireland. The period of concessions and reforms had at last arrived.

Kettle's Translation of L'Irlande Cotemporaire, Paris, 1907.

Note XX

(See Vol. II—Page 117; 196)

MANIFESTO OF THE PROVISIONAL GOVERNMENT OF THE IRISH REPUBLIC

Given for the first time to the public as Robert Emmet wrote it.

In his "Lives of the United Irishmen" (3rd Series, Appendix, page 546), Dr. Madden states:

The manifesto of the Provisional Government drawn up by Robert Emmet and found in Marshal Lane, was produced on the trial of Edward Kearney. Lieutenant Coltman of the 9th regiment proved that several bundles of this document were found in the depot "quite wet from the press." Extracts from the documents have been published, and the entire manifesto that was produced on Kearney's trial is given in Ridgeway's Report; but knowing the unscrupulous conduct of the government agents of that day with respect to such documents, I thought it desirable to give an exact copy of the original paper, the authenticity of which might be depended on. I am indebted to Miss M'Cracken for the copy of that document and of the proclamation annexed to it, which were found among Russell's papers.

The writer carefully copied the official version of these papers as given by the Government and was engaged in preparing the same for the press, when he accidentally looked over that published by Dr. Madden. He then found, what his experience should have anticipated, that not only was the text mutilated, but fully one half had not been given to the public. A fortunate circumstance indeed has the forethought of Dr. Madden proved for the historical student. Robert Emmet wrote:—

THE PROVISIONAL GOVERNMENT

TO

THE PEOPLE OF IRELAND

You are now called upon to show the world that you are competent to take your place among nations, that you have a right to claim their recognizance of you as an independent country by the only satisfactory proof you can furnish of your capability of maintaining your independence,—your wresting it from England with your own hands.

In the development of this system, which has been organized within the last eight months, at the close of internal defeat and without the help of foreign assistance; which has been conducted with a tranquillity, mistaken for obedience; which neither the failure of a similar attempt in England has retarded, nor the renewal of hostilities has accelerated; in the developement of this system you will show to the people of England that there is a spirit of perseverance in this country, beyond their power to calculate or to repress; you will show to them that as long as they think to hold unjust dominion over Ireland, under no change of circumstances can they count on its obedience; under no aspect of affairs can they judge of its intentions; you will show to them that the question which it now behoves them to take into serious and instant consideration is not whether they will resist a separation which it is our fixed determination to effect, but whether or not *they will drive us beyond separation;* whether they will by a sanguinary resistance, create a deadly national antipathy between the two countries, or whether they will take the only means still left, of driving such a sentiment from our minds, by a prompt, manly, and sagacious acquiescence in our just and unalterable determination.

If the secrecy with which the present effort has been conducted shall have led

our enemies to suppose that its extent must have been partial, a few days will undeceive them. That confidence, which was once lost, by trusting to external support, and suffering our own means to be gradually undermined, has been again restored. We have been mutually pledged to each other, to look only to our own strength, and that the first introduction of a system of terror, the first attempt to execute an individual in one county, should be the signal of insurrection in all. We have now, without the loss of a man, with our means of communication untouched, brought our plans to the moment when they are ripe for execution; and in the promptitude with which nineteen counties will come forward at once to execute them, it will be found that neither confidence nor communication are wanting to the people of Ireland.

In calling on our countrymen to come forward, we feel ourselves bound, at the same time, to justify our claim to their confidence by a precise declaration of our own views. We, therefore, solemnly declare, that our object is to establish a free and independent republic in Ireland; that the pursuit of this object we will relinquish only with our lives; that we will never, unless at the express call of our country, abandon our post, untill the acknowledgement of its independence is obtained from England, and that we will enter into no negociation (but for exchange of prisoners) with the government of the country while a British army remains in Ireland. Such is the declaration which we call on the people of Ireland to support—And we call first on that part of Ireland which was once paralyzed by the want of intelligence, to show that, to that cause only was its inaction to be attributed; on that part of Ireland which was once foremost, by its fortitude in suffering; on that part of Ireland which once offered to take the salvation of the country on itself; on that part of Ireland where the flames of liberty glowed; we call upon The North to stand up and shake off their slumber and their oppression.

MEN OF LEINSTER! stand to your arms. To the courage which you have already displayed, is your country indebted for the confidence which it now feels in its own strength, and for the dismay with which our enemies will be overwhelmed when they find this effort to be universal. But men of Leinster, you owe more to your country than the having animated it by your past example; you owe more to your own courage than the having obtained by it a protection. If six years ago, when you rose, without arms, without plan, without co-operation, with more troops against you alone than are now in the country at large; you were able to remain for six weeks in open defiance of the government, and within a few miles of the capital, what will you now effect, with that capital and every part of Ireland ready to support you? But it is not on this head we have need to address you. No, we now speak to you, and, through you, to the rest of Ireland, on a subject dear to us even as the success of our country—its honour. You are accused by your enemies of having violated that honour; excesses which they themselves had in their fullest extent provoked, but which they have grossly exaggerated, have been attributed to you. The opportunity for vindicating yourselves by actions is now for the first time before you, and we call on you to give the lie to such assertions by carefully avoiding every appearance of plunder, intoxication, or revenge, recollecting that you lost Ireland before, not from want of courage, but from not having that courage rightly directed by discipline. But we trust that your past sufferings have taught you experience, and that you will respect the declaration which we now make and which we are determined by every means in our power to enforce.

The nation alone possesses a right of punishing individuals, and whosoever shall put another person to death, except in battle, without a fair trial by his country, is guilty of murder. The intention of the Provisional Government of Ireland is to claim from the English government such Irishmen as have been sold or transported, by it for their attachment to freedom; and for this purpose it will retain, as hostages for their safe return, such adherents of that government as shall fall into its hands. It therefore calls upon the people to respect those hostages, and to recollect that in spilling their blood they would leave their own countrymen in the hands of their enemies.

The intention of the Provisional Government is to resign its functions, as soon as the nation shall have chosen its delegates, but in the meantime, it is determined to enforce the regulations hereunto subjoined.—It in consequence takes the property of the country under its protection and will punish with the utmost rigour any person who shall violate that property, and thereby injure the present resources and the future prosperity of Ireland.

Whosoever refuses to march to whatever part of the country he is ordered, is guilty of disobedience to the government, which alone is competent to decide in what place his service is necessary, and which desires him to recollect that in whatever part of Ireland he is fighting, he is still fighting for its freedom.

Whoever presumes, by acts or otherwise, to give countenance to the calumny propagated by our enemies, that this is a religious contest, is guilty of the grievous crime of belying the motives of his country. Religious disqualification is but one of the many grievances of which Ireland has to complain. Our intention is to remove not that only, but every other oppression under which we labour. We fight, that all of us may have our country; and that done—each of us shall have our religion.

We are aware of the apprehensions which you have expressed that, in quitting your own counties, you leave your wives and children in the hands of your enemies; but on this head have no uneasiness. If there are still men base enough to persecute those who are unable to resist, show them by your victories that we have the power to punish, and by your obedience that we have the power to protect; and we pledge ourselves to you that these men shall be made to feel that the safety of everything they hold dear, depends on the conduct they observe to you. Go forth then with confidence, conquer the foreign enemies of your country, and leave to us the care of preserving its internal tranquillity; recollect that not only the victory, but also the honour of your country, is placed in your hands; give up your private resentments, and show to the world that the Irish are not only a brave, but also a generous and forgiving people.

Men of Munster and Connaught

You have your instructions, we trust that you will execute them. The example of the rest of your countrymen is now before you; your own strength is unbroken. Five months ago you were eager to act without any other assistance. We now call upon you to show, what you then declared you only wanted the opportunity of proving, that you possess the same love of liberty and the same courage with which the rest of your countrymen are animated.

We now turn to that portion of our countrymen whose prejudices we had rather overcome by a frank declaration of our intentions, than conquer in the field; and in making this declaration, we do not wish to dwell on events, which, however, they may bring tenfold odium on their authors, must still tend to keep alive in the minds both of the instruments and victims of them, a spirit of animosity which it is our wish to destroy. We will therefore enter into no detail of the atrocities and oppression which Ireland has laboured under during its connexion with England; but we justify our determination to separate from that country on the broad historical statement, that during six hundred years she has been unable to conciliate the affections of the people of Ireland; that during that time, five rebellions were entered into, to shake off the yoke; that she has been obliged to resort to a system of unprecedented torture in her defence; that she has broken every tie of voluntary connexion by taking even the name of independence from Ireland, through the intervention of a parliament notoriously bribed, and not representing the will of the people; that in her vindication of this measure, she has herself given the justification of the views of the United Irishmen, by declaring in the words of her minister,—"That Ireland never had, and never could enjoy under the then circumstances, the benefit of British connexion; that it necessarily must happen, when one country is connected with another, that the interest of the lesser will be borne down by the greater.* That England had supported and encouraged the English colonists in their oppression towards the natives of Ireland; that Ireland had been left in a state of ignorance, rudeness, and barbarism, worse in its effects, and more degrading in its nature than that in which it was found six centuries before."† Now to what cause are these things to be attributed? Did the curse of the almighty keep alive a spirit of obstinancy in the minds of the Irish people for six hundred years? Did the doctrines of the French revolution produce five rebellions? Could the misrepresentations of ambitious and designing men drive from the mind of a whole people the recollection of defeat and raise the infant from the cradle with the same feelings with which his father sunk to the grave? Will this gross avowal, which our enemies have made of their own views, remove none of the calumny that has been thrown upon ours? Will none of the credit which has been lavished on them be transferred to the solemn declaration which we now make in the face of god and our country? We war not against property—We war against no religious sect—We war not against past opinions or prejudices—We war against English dominion. We will not, however, deny that there are some men who, not because they supported the government of our oppressors, but because they have violated the common

*"Lord Castlereagh's Speech."
†"Consideration on the state of affairs in Ireland by Lord Auckland."

laws of morality which exist alike under all or under no government, have put it beyond our power to give to them the protection of a government. We will not hazard the influence we may have with the people, and the power it may give us of preventing the excesses of revolution, by undertaking to place in tranquillity the man who has been guilty of torture, free quarters, rape and murder, by the side of the sufferer or their relations; but in the frankness with which we warn these men of their danger, let those who do not feel that they have passed this boundary of mediation, count on their safety.

We had hoped, for the sake of our enemies, to have taken them by surprize, and to have committed the cause of our country before they could have time to commit themselves against it; but though we have not altogether been able to succeed, we are yet rejoiced to find that they have not come forward with promptitude on the side of those who have deceived them; and we now call upon them, before it is yet too late, not to commit themselves further against a people they are unable to resist, and in support of a government which, by their own declaration has forfeited its claim to their allegiance.

To that government, in whose hands, though not the issue, at least the features with which the present contest is marked, are placed, we now turn. How is it to be decided? Is open and honourable force alone to be resorted to? or is it your intention to employ those laws which custom has placed in your hands, and to force us to employ the law of retaliation in our defence?

Of the inefficacy of a system of terror, in preventing the people of Ireland from coming forward to assert their freedom, you have already had experience. Of the effect which such a system will have on our minds, in case of success, we have already forewarned you. We now address to you another consideration—If, in the question which is now to receive a solemn and we trust final decision, we have been deceived reflection would point out that conduct should be resorted to which was best calculated to produce conviction on our minds. What would that conduct be? It would be to show us that the difference of strength between the two countries is such as to render it unnecessary for you to bring out all your forces; to show to us that you have something in reserve to crush hereafter, not only a greater exertion on the part of the people, but a greater exertion rendered still greater by foreign assistance. It would be to show us that what we have vainly supposed to be a prosperity growing beyond your grasp is only a partial exuberance, requiring but the pressure of your hand to reduce it into form. But for your own sake, do not resort to a system, which while it increased the acrimony of our minds, would leave us under the melancholy delusion that we had been forced to yield, not to the sound and temperate exertions of superior strength; but to the frantic struggles of weakness, concealing itself under desperation. Consider also that the distinction of rebel and enemy is of a very fluctuating nature; that during the course of your own experience you have already been obliged to lay it aside; that should you be forced to abandon it towards Ireland, you cannot hope to do so tranquilly as you have done towards America; for in the exasperated state to which you have roused the minds of the Irish people;—a people whom you profess to have left in a state of barbarism and ignorance with what confidence can you say to that people "while the advantage of cruelty lay upon our side, we slaughtered you without mercy, but the measure of our own blood is beginning to preponderate, it is no longer our interest that this bloody system should continue, show us then, that forbearance which we never taught you by precept or example, lay aside your resentment, give quarter to us, and let us mutually forget, that we never gave quarter to you". Cease, then, we entreat you, uselessly to violate humanity by resorting to a system inefficacious as an instrument of terror, inefficacious as a mode of defense, inefficacious as a mode of conviction, ruinous to the future relations of the two countries in case of our success, and destructive of those instruments of defence which you will then find it doubly necessary to have preserved unimpaired. But if your determination be otherwise, hear ours. We will not imitate you in cruelty; we will put no man to death in cold blood, the prisoners which first fall into our hands shall be treated with the respect due to the unfortunate; but if the life of a single Irish soldier is taken after the battle is over, the orders thenceforth to be issued to the Irish army are, neither to give nor to take quarter. Countrymen, if a cruel necessity forces us to retaliate, we will bury our resentments in the field of battle; if we are to fall, we will fall where we fight for our country.—Fully impressed with this determination, of the necessity of adhering to which past experience has but too fatally convinced us; fully impressed with the justice of our cause which we now put to issue. We make our last and solemn appeal to the sword and to Heaven; and as the cause of Ireland deserves to prosper, may God give it Victory.

Conformably to the above proclamation, the Provisional Government of Ireland decree that as follows:—

1. From the date, and promulgation hereof, tithes are forever abolished, and church lands are the property of the nation.

2. From the same date, all transfers of landed property are prohibited, each person, holding what he now possesses, on paying his rent until the national government is established, the national will declared, and the courts of justice organized.

3. From the same date, all transfers of Bonds, debentures and all public securities, are in like manner and form forbidden and declared void, for the same time, and for the same reason.

4. The Irish generals commanding districts, shall seize such of the partizans of England as may serve for hostages, and shall apprize the English commander, opposed to them, that a strict retaliation shall take place, if any outrages contrary to the laws of war shall be committed by the troops under his command or by the partizans of England in the districts which he occupies.

5. That the Irish generals are to treat (except where retaliation makes it neccesary) the English troops who may fall into their hands, or such Irish as serve in the regular forces of England, and who shall have acted conformably to the laws of war, as prisoners of war; but all Irish militia, yeoman, or volunteer corps, or bodies of Irish, or individuals, who fourteen days after the promulgation and date hereof, shall be found in arms, shall be considered as rebels, committed for trial and their properties confiscated.

6. The generals are to assemble court-martials, who are to be sworn to administer justice; who are not to condemn without sufficient evidence, and before whom all military offenders are to be sent instantly for trial.

7. No man is to suffer death by their sentence except for mutiny; the sentences of such others as are judged worthy of death shall not be put in execution until the provisional government declares its will, nor are court-martials, on any pretext to sentence, nor is any officer to suffer the punishment of flogging, or any species of torture to be inflicted.

8. The generals are to enforce the strictest discipline, and to send offenders immediately before court-martials; and are enjoined to chace away from the Irish armies all such as shall disgrace themselves by being drunk in presence of the enemy.

9. The generals are to apprize their respective armies, that all military stores, arms, or ammunition belonging to the English Government, be the property of the captors and the value is to be equally divided without respect of rank between them except that the widows, orphans, parents, or other heirs of such as gloriously fall in the attack, shall be entitled to a double share.

10. As the English nation has made war on Ireland, all English property in ships or otherwise, is subject to the same rule and all transfer of them is forbidden and declared void in like manner as expressed in Nos. 2 and 3.

11. The generals of the different districts are hereby empowered to confer rank up to colonels inclusive, on such as they conceive to merit it from the nation, but are not to make more colonels than one for fifteen hundred men, nor more Lieutenant-Colonels than one for every thousand men.

12. The generals shall seize on all sums of public money in the custom houses in their districts or in the hands of the different collectors, county treasurers, or other revenue officers, whom they shall render responsible for the sums in their hands. The generals shall pass receipts for the amount and account to the provisional government for the expenditure.

13. When the people elect their officers up to the colonels, the general is bound to confirm it. No officer can be broke but by sentence of a court-martial.

14. The generals shall correspond with the provisional government, to whom they shall give details of all their operations, they are to correspond with the neighbouring generals, to whom they are to transmit all necessary intelligence, and to co-operate with them.

15. The generals commanding in each county shall, as soon as it is cleared of the enemy, assemble the county committee, who shall be elected conformably to the constitution of the United Irishmen, all the requisitions necessary for the army shall be made in writing by the generals to the committee, who are hereby empowered and enjoined to pass their receipts for each article to the owners, to the end that they may receive their full value from the nation.

16. The county committee is charged with the civil direction of the county, the care of the national property, and the preservation of order and justice in the county; for which purpose the county committees are to appoint a high-sheriff and one or more sub-sheriffs to execute their orders, a sufficient number of justices of the peace for the county, a high and a sufficient number of petty constables in each barony, who are respectively charged with the duties now performed by these magistrates.

17. The county of Cork on account of its extent, is to be divided conformably to the boundaries for raising the militia, into the counties of north and south Cork, for each of which a county constable, high-sheriff, and all magistrates above directed, are to be appointed.

18. The county committee are hereby empowered and enjoined to issue warrants to apprehend such persons as it shall appear, on sufficient evidence, perpetrated murder, torture, or other breaches of the acknowledged laws of war and morality on the people, to the end that they may be tried for these offences, so soon as the competent courts of justice are established by the nation.

19. The county committee shall cause the sheriff or his officers to seize on all the personal and real property of such persons, to put seals on their effects, to appoint proper persons to preserve all such property until the national courts of justice shall have decided on the fate of the proprietors.

20. The county committee shall act in like manner, with all state and church lands, parochial estates, and all public lands and edifices.

21. The county committee shall in the interim receive all the rents and debts of such persons and estates, and shall give receipts for the same, shall transmit to the provisional government an exact account of their value, extent and amount, and receive the directions of the provisional government thereon.

22. They shall appoint some proper house in the counties where the sheriff is permanently to reside, and where the county committee shall assemble, they shall cause all the records and papers of the county to be there transmitted, arranged, and kept, and the orders of government are there to be transmitted and received.

23. The county committee is hereby empowered to pay out of these effects, or by assessment, reasonable salaries for themselves, the sheriff, justices and other magistrates whom they shall appoint.

24. They shall keep a written journal of all their proceedings signed each day by the members of the committee, or a sufficient number of them for the inspection of government.

25. The county committee shall correspond with government on all the subjects with which they are charged, and transmit to the general of the district such information as they may conceive useful to the public.

26. The county committee shall take care that the state prisoners, however great their offences, shall be treated with humanity, and allow them a sufficient support to the end that all the world may know, that the Irish nation is not actuated by the spirit of revenge, but of justice.

27. The provisional government, wishing to commit as soon as possible the sovereign authority to the people, direct that each county and city shall elect, agreeably to the constitution of United Irishmen, representatives to meet in Dublin, to whom the moment they assemble the provisional government will resign its functions; and without presuming to dictate to the people, they beg to suggest that for the important purpose to which these electors are called, integrity of character should be the first object.

28. The number of representatives being arbitrary, the provisional government have adopted that of the late house of commons, three hundred, and according to the best returns of the population of the cities and counties, the following number are to be returned from each:—Antrim 13; Armagh, 9; Belfast town 1; Carlow 3; Cavan 7; Clare 8; Cork county, north 14; Cork county, south 14; Cork city 6; Donegal 10; Down 16; Drogheda 11; Dublin county 4; Dublin city 14; Fermanagh 5; Galway 10; Kerry 9; Kildare 4; Kilkenny 7; King's county 6; Leitrim 5; Limerick county 10; Limerick city 3; Londonderry 9; Longford 4; Louth 4; Mayo 12; Meath 9; Monaghan 9; Queen's county 6; Roscommon 8; Sligo 6; Tipperary 13; Tyrone 14; Waterford county 6; Waterford city 2; Westmeath 5; Wexford 9; Wicklow 5.

29. In the cities the same sort of regulations as in the counties shall be adopted; the city committees shall appoint one or more sheriffs as they think proper, and shall take possession of all the public and corporation properties in their jurisdiction, in like manner as is directed for counties.

30. The provisional government strictly exhort and enjoin all magistrates, officers, civil and military, and the whole of the nation, to cause the laws of Morality to be enforced and respected, and to execute as far as in them lies justice with mercy, by which alone liberty can be established, and the blessing of Divine Providence secured.

This State paper has had a remarkable history and many difficulties have been accidentally overcome before the public has had the first opportunity of knowing what Robert Emmet did write to show the purpose and form of the projected Irish Republic. The

writer has had to recast this paper three times before it reached its present form, when a doubt can no longer exist that it is an authentic showing.

When the work had been brought to a close, and was already for some time in the hands of the publisher, the writer received from Mr. Fuller a photographic copy of the original broadside, which was, in fact, a reproduction of that found in Robert Emmet's desk in the depot, by one of the men with Lieut. Coltman, the army officer who took possession of the premises during the night of the outbreak and the same produced by him during the trial of Edward Kearney and Robert Emmet, as already stated. This is the only known copy of this broadside, and Coltman must have retained possession of it after giving his testimony. At an early date it came into the possession of the late Judge Kane Collins, and finally into that of Mr. James Collins, the well known antiquarian of Dublin, and author of the interesting and lately published work on old Dublin. Mr. Collins allowed it to be photographed, and vouches for the copy in his possession being that held by Robert Emmet. The heading of the broadside ran:

The Provisional Government
to
The People of Ireland

When this paper was received, the writer felt satisfied that he had utilized an authentic copy and was about to store it away. But instinctively he set about making a comparison with that given by Dr. Madden. This was a fortunate circumstance as it soon became evident, that while a part may have been copied from the printed original, the greater portion, although it expressed what Emmet wished, was only as close a copy as a ready writer might take down from hearing the document read aloud at the time of the trial.

The contents of this broadside was printed in five columns, four of which contained 131 lines, and the fifth but 93, with an average of about 7 words to each line.

This is a remarkable paper, most logical and complete in its bearings. Few public assemblies of picked men, called together to provide for the wants of a new country, with their combined intellect, have produced a more efficient instrument to meet the needs of a provisional government; this is fully exemplified in the early history of this country, where all constitutions were based more or less on Mason's "Bill of Rights".

It seems almost incredible that it was the unaided work of a young man, barely beyond the period of boyhood, and the writer is aware of no similar recorded instance.

The Declaration of Independence is the only State paper known to him which is the product of one mind, but even this is the embodiment of life-long experience. Considering the circumstances under which both were written Robert Emmet's production is the more remarkable, because of his varied distractions and the ceaseless disorder with which he was surrounded.

The Emmet manifesto could be amended to advantage in several instances and improved by more careful punctuation, but that any man could have possessed the needed concentration, renders its production still more surprising. The writer has pondered long on the wording and the extent of contents in this remarkable production, and has been unable to imagine a contingency which was not provided for.

A Proclamation written by Philip Long to the people of Dublin during Emmet's trial has been generally attributed to Robert Emmet, but he had no connection with it.

Old chroniclers say that a persistency in work was formerly a racial characteristic among the Irish.

De Beaumont.

But in former days did not Ireland always conquer her conquerors one after the other? How then can she, after two centuries of prescription have run in their favour, refuse the name of Irishmen to those landlords whose titles to their property she no longer disputes? How can she disown those men who since the time of Cromwell and of William III have breathed her air beneath her skies, and who, whatever may have been their faults toward the country of their adoption, gave to her in her hours of tragedy a Wolfe Tone and a Robert Emmet, a Smith O'Brien and a John Mitchel?

Kettle's Translation of L'Irlande Cotemporaire, Paris, 1908.

Note XXI

(See Vol. II—Page 234)

THE PLAN

OF THE LATE INSURRECTION

IN DUBLIN

AND THE CAUSES OF ITS FAILURE

WRITTEN OUT BY

ROBERT EMMET

ON THE NIGHT BEFORE HIS EXECUTION,

WITH THE REQUEST THAT

IT SHOULD BE SENT

TO HIS BROTHER

THOMAS ADDIS EMMET IN PARIS

A portion of this statement was found among Major Sirr's papers after his death, and the missing part among some of the Government papers in one of the offices in Dublin Castle. It was only after many years had passed that the paper was completed, and the public at large had the opportunity of knowing what Robert Emmet had hoped to accomplish.

The Protestants of the middle class have ever proved themselves the sincerest friends of their persecuted fellow-countrymen of another creed.

Rev. Patrick F. Kavanagh.

ROBERT EMMET'S PLAN
FOR TAKING THE CITY
OF DUBLIN.

The plan was comprised under three heads—Point of Attack;—Point of Check;—and Lines of Defense.

The points of attack were three:—The Pigeon House; the Castle and the Artillery Barracks at Island Bridge.

The attack was to begin with the Pigeon House,—number of men 200—the place of assembly, the Strand, between Irishtown and Sandymount—the time low water. The men to divide into two bodies: one to cross by a sand bank, between the Pigeon House and Light House, where they were to mount the wall; the other to cross at Devonshire Wharf; both parties to detach three men with blunderbusses, and three with pointed pikes, concealed, who were to seize the sentries and the gates for the rest to rush in. Another plan was formed for high water, by means of pleasure or fishing boats, going out in the morning, one by one, and returning in the evening to the dock at the Pigeon House, where they were to land. A rocket from this was to be the signal for the other two, viz:—

The Castle, the number of men 200. The place of assembly, Patrick-street Depot. A house in Ship-street was expected, also one near the gate. A hundred men to be armed with jointed pikes and blunderbusses, the rest to support them, and march openly with long pikes. To begin by the entrance of two job coaches, hackney coachmen, two footmen, and six persons, inside, to drive in at the Upper Gate into the yard, come out of the coaches, turn back and seize the guard (or instead of one of the job coaches, a sedan going in at the same time, with two footmen, two chairmen, and one inside;) at the same moment a person was, in case of failure, to knock at Lamprey's door, seize it and let in others, to come down by a scaling ladder from a window on the top of the guard-house, while attacks were made at a public house in Ship-street, which has three windows commanding the guard-house, a gate in Stephen's-street, another at the Aungier-street end of Great George's-street, leading to the Ordnance, another at the new house in George's-street, leading to the riding yard, and another over a piece of a brick wall near the Palace-street gate. Scaling ladders for all these. Fire-balls, if necessary, for the guard-house of the Upper Gate. The *Lord Lieutenant and principal officers of government*, together with the bulk of artillery, to be sent off under an escort to the commander in Wicklow in case of being obliged to retreat. I forgot to mention that the same was to be done with as much of the Pigeon House stores as could be. Another part with some artillery to come into town along the quays and take post at Carlisle Bridge to act according to circumstances.

Island-Bridge, 400 men. Place of assembly, Quarryhole opposite, and Burying ground—Eight men with pistols and one with a blunderbuss, to seize the sentry, walking outside, seize the gates, some to rush in, seize the cannon opposite the gate, the rest to mount on all sides by scaling ladders; on seizing this to send two cannons over the bridge facing the barrack-road.

Another detachment to bring cannon down James's-street, another towards Rathfarnham as before. To each of the flank-points, when carried, reinforcements to be sent, with horses, &c, to transport the artillery. Island-Bridge only to be maintained (a false attack also thought of, after the others had been made on the rear of the barracks, and if necessary, to burn the hay stores in rear.)

Three rockets to be the signal that the attack on any part was made, and afterwards a rocket of stars in case of victory, a silent one of repulse.

Another point of attack not mentioned, Cork-street Barracks; if the officer could surprise it, and set fire to it; if not to take post in the house, (I think in Earl-street, the street at the end of Cork-street leading to Newmarket, looking down the street with musquetry, two bodies of pikemen in Earl-street) to the right and left of Cork-street, and concealed from troops marching in that street. Another in, (I think, Marrowbone-lane) to take them in the rear. Place of assembly, fields adjacent, or Fenton-fields.

POINTS OF CHECK—The old Custom-house, 300 men, the gate to be seized and guard disarmed, the gate to be shut or stopped with a load of straw, to be previously in the street. The other small gate to be commanded by musquetry, and the bulk of the 300 men to be distributed in Parliament-street, Crane-lane, and those streets falling into Essex-street, in order to attack them if they are forced out. The jointed pikes and blunderbusses lying under great coats, rendered all these surprises unexpected; fire balls, if necessary, and a beam of rockets.

An idea also was, if money had been got, to purchase Rafferty's cheese shop, opposite to it, to make a Depot and assembly; and to mine under and blow up a part of the Custom-house, and attack them in confusion, as also the Castle. The miners would have been got also to mine from a cellar into some of the streets through which the army from the barracks must march. The assembly was at the Coal-quay.

Mary-street barracks, sixty men. A house-painter's house, and one equally removed on the opposite side, (No. 36, I believe) whose fire commands the iron gate of the barracks, without being exposed to the fire from it, to be occupied by twenty four blunderbusses; the remainder, pikemen, to remain near Cole's-lane or to be ready in case of rushing out, to attack them. Assembly, Cole's-lane market, or else detached from Custom-house body.

The corner house in Capel-street (it was Killy Kelley's) commanding Ormond-quay, and Dixon, the shoemaker's (or the house beyond it) which open suddenly on the flank of the army without being exposed to their fire, to be occupied by blunderbusses. Assembly detached from Custom-house body.

LINES OF DEFENCE.—Beresford-street has six issues from Church-street, viz. Coleraine-street, King-street, Stirrup-lane, Pill-lane and the Quay. These to be chained in the first instance by a body of chainmen; double chains and padlocks were deposited, and the sills of the doors marked. The blockade to be afterwards filled up; that on the Quay by bringing up the coaches from the stand, and oversetting them, together with the butcher's blocks from Ormond-market. The houses over the chains to be occupied with hand-grenades, pistols and stones. Pikemen to parade in Beresford-street, to attack instantly any person that might penetrate; the number 200. Assembly, Smithfield Depot, where were 800 pikes for reinforcements. The object was to force the troops to march towards the Castle, by the other side of the water, where the bulk of the preparations and men to receive them were.

Merchant's-Quay. In case the army, after passing the Old Bridge, marched that way, Wogan's house and a Birmingham warehouse next to it to be occupied with musquetry, grenades, and stones; also the leather crane at the other end of the Quay; a beam to be before the crane, lying across the Quay, to be fired at the approach of the enemy's column. A body of pikemen in Winetavern-street, instantly to rush on them in front; another body in Cook-street to do the same, by five lanes opening on their flank, and by Bride-street in their rear. Another beam in Bridge-street, in case of taking that route and then Cook-street body to rush out instantly in front and the Quay on the flank. A beam in Dirty-lane, main body of pikemen in Thomas-street to rush on them instantly on firing the beam.

The body on the Quay to attack in the rear; in case of repulse, Catherine's Church. Market-house, and two houses adjacent, that command that street, occupied with musquetry.

Two rocket batteries near the Market-house, a beam before it; a body of pikemen in Swift's alley, and that range, to rush on their flank, after the beam was fired, through Thomas- court, Vicar-street, and three other issues; the corner houses of these issues to be occupied by stones and grenades; the entire of the other side of the street to be occupied with stones, &c, the flank of this side to be protected by a chain at James-gate, and Guiness's drays, &c, the rear of it to be protected from Cork-street, in case their officer there failed, by chains across Rainsford-street, Crilly's Yard, Meath-street, Ashe-street and Francis-street. The Quay body to co-operate by the issues before mentioned (at the other side), the chains of which would be opened by us immediately. In case of further repulse, the house at the corner of Cutpurse-row commanding the lanes at each side of the Market-house, the two houses in High-street, commanding that open and the corner houses of Castle-street, commanding Skinner-row, (now Christ-Church-place) to be successively occupied. In case of a final retreat, the routes to be three: Cork-street, to Templeogue, New-street, Rathfarnham and Camden-street department. The bridges of the Liffey to be covered six feet deep with boards full of long nails bound down by two iron bars, with spikes eighteen inches long, driven through them into the pavement, to stop a column of cavalry, or even infantry.

The whole of this plan was given up by me for the want of means, except the

Castle, and lines of defence; for I expected 300 Wexford, 400 Kildare, and 200 Wicklow men, all of whom had fought before, to begin the surprises at this side of the water, and by the preparations for defence, so as to give time to the town to assemble. The county of Dublin was also to act at the instant it began;—the number of Dublin people acquainted with it, I understood, to be 3 or 4,000. I expected 2,000 to assemble at Costigan's Mills,—the grand place of assembly. The evening before the Wicklow men failed, through their officer. The Kildare men who were to act, (particularly with me) came in, and at five o'clock went off again, from the Canal-harbour, on a report from two of their officers, that Dublin would not act. In Dublin itself, it was given out by some treacherous or cowardly person, that it was postponed till Wednesday. The time of assembly was from six till nine; and at nine instead of 2,000 there were eighty men assembled. When we came to the Market-house they were diminished to eighteen or twenty. The Wexford men did assemble, I believe, to the amount promised, on the Coal-quay, but 300 men though they might be sufficient to begin on a sudden were not so, when government had five hour's notice by express from Kildare.

Add to this the preparations were from an unfortunate series of disappointments in money, unfinished, and scarcely any blunderbusses bought up.

The man who was to turn the fuzes and rammers for the beams forgot them, and went off to Kildare to bring men, and did not return till the very day. The consequence was, that all the beams were not loaded, nor mounted with wheels, nor the train bags, of course, fastened on to explode them.

From the explosion in Patrick-street, I lost the jointed pikes which were deposited there, and the day of action was fixed on before this, and could not be changed.

I had no means of making up for their loss but by the hollow beams full of pikes, which struck me three or four days before the 23d. From the delays in getting the materials, they were not able to set about them till the day before; the whole of that day and the next, which ought to have been spent in arrangements was obliged to be employed in work. Even this, from the confusion occasioned by men crowding into the Depot from the country, was almost impossible.

The person who had the management of the depot mixed, by accident, the slow matches that were prepared, with what were not, and all our labour went for nothing.

The fuzes for the grenades, he had also laid by, where he forgot them, and could not find them in the crowd.

The cramp irons could not be got in time from the smiths, to whom we would not communicate the necessity of despatch; and the scaling ladders were not finished (but one). Money came in at five o'clock, and the trusty men of the Depot who alone knew the town, were obliged to be sent out to buy up blunderbusses; for the people refused to act without some. To change the day was impossible; for I expected the counties to act, and feared to lose the advantage of surprize. The Kildare men were coming in for three days; and after it was impossible to draw back. Had I another week; had I one thousand pounds; had I one thousand men, I would have feared nothing. There was redundancy enough in any one part to have made up, if complete, for deficiency in the rest; but there was failure in all—plan, preparation and men.

I would have given it the respectability of insurrection but I did not wish uselessly to shed blood; I gave no signal for the rest, and they all escaped.

I arrived time enough in the country to prevent that part of it which had already gone out with one of my men, to dissuade the neighbourhood from proceeding. I found that by a mistake of the messenger, Wicklow would not rise that night—I sent off to prevent it from doing so the next, as it intended. It offered to rise even after the defeat, if I wished it; but I refused. Had it risen, Wexford would have done the same. It began to assemble; but its leader kept it back till he knew the fate of Dublin. In the state Kildare was in, it would have done the same. I was repeatedly solicited by some of those who were with me to do so, but I constantly refused. The more remote counties did not rise, for want of money to send them the signal agreed on.

I know how men without candour will pronounce on this failure, without knowing one of the circumstances that occasioned it; they will consider only that they predicted it. Whether its failure was caused by chance, or by any of the grounds on which they made their prediction they will not care—they will make no distinction between a prediction fulfilled and justified—they will make no compromise of errors—they will not recollect that they predicted also that no system could be formed—that no secrecy nor confidence could be restored—that no preparations could be made—that no plan could be arranged—that no day could be fixed, without being instantly known at the Castle; that government only waited to let the conspiracy ripen, and crush it at their

pleasure—and that on these grounds only did they predict its miscarriage. The very same men that after success would have flattered, will now calumniate. The very same men, that would have made an offering of unlimited sagacity at the shrine of victory, will not now be content to take back that portion that belongs of right to themselves, but would violate the sanctuary of misfortune, and strip her of that covering that candour would have left her.

R. E.

England without doubt has done everything and still does everything to separate the two nations. She excites the prejudices of the one and the appetites of the other, knowing well that her strength lies in their division and that her power would be in danger were Ireland one and united.

Kettle's Translation of L'Irlande Cotemporaire, Dubois, Paris, 1907.

Note XXII

(See Vol. II—Page 300)

Correspondence relating to the obtaining of a copy of the original poem written by Shelley, on "The Grave of Robert Emmet".

LETTER FROM FRANK J. SULLIVAN, ESQ.

SAN FRANCISCO, Aug. 21, 1913.

DEAR DR. EMMET,

I am happy to inform you that I have succeeded in obtaining the entire poem you desire, entitled "Robert Emmet's Grave". The enclosed correspondence will show that the Esdaile family are sending the entire poem by Captain Esdaile who will arrive on the "Lusitania" sailing from Liverpool on the 23d of this month and arriving about the 29th.

Permit me to congratulate you and myself also upon the result of our negotiations to obtain a copy of this precious document from the Esdailes. I hope to be able at any time to assist you in your literary undertakings so far as my poor ability will permit me.

Very truly yours,

(Signed) FRANK J. SULLIVAN.

LETTER FROM MR. SULLIVAN TO THE SUPPOSED POSSESSOR OF THE SHELLEY MANUSCRIPT:—

SAN FRANCISCO, CAL., June 30, 1913.

REV. WM. ESDAILE,
PARK VIEW, BURLEY MANOR,
RINGWOOD, HANTS, ENGLAND.

REV. DEAR SIR,

I feel that I am intruding upon your valuable time and asking too much of you in what I am about to state. But, inasmuch as the request came to me from the relative of a deceased Irish patriot, I cannot resist the desire to enlist your good offices to please him.

As you are aware the Irish patriot, Robert Emmet, died esteemed by his countrymen, and many of your own, for his many virtues and for his great eloquence. His memory is enshrined in Moore's and Southey's poems, and in the most beautiful of all essays written by Washington Irving, of America, entitled "The Broken Heart".

Your lamented and brillliant poet, and relative, Percy Bysshe Shelley, wrote several verses, two of which are quoted by Dowden entitled—"Robert Emmet's Grave". The relatives, who are a distinguished family in the United States, wish to obtain the other verses. I would feel greatly obliged if you would kindly send me all not quoted in the "Life of Shelley" by Dowden.

I am glad to add that Shelley as a poet seems to rank with us as high, if not higher, than Byron, whose fame, in spite of the attack of Mrs. Stowe and her followers, still is wide-spread in these United States, but I have often heard it claimed that the beautiful Essay of Thompson on Shelley had placed him on a higher standard as a poet than even Byron.

Thanking you in advance for all that you can do in this matter, I am with great respect,

Yours very sincerely

(Signed) FRANK J. SULLIVAN.

This letter was sent by the Rev. William Esdaile to his father who held the Shelley manuscript, a copy of which was asked, and the following letter was received by Judge Sullivan:

COTHELESTONE HOUSE, TAUNTON, August 6th, 1913.

FRANK J. SULLIVAN, ESQ.,
SAN FRANCISCO, CAL.,

DEAR SIR,

With reference to your letter of 30th June 1913, to the Rev. William Esdaile on the subject of certain verses written by the poet Shelley entitled "Robert Emmet's Grave," I have to state:—

I—That the original Shelley manuscript, to which doubtless you refer, is not in possession of my uncle, the Rev. Wm. Esdaile, but in that of my father, Mr. C. E. J. Esdaile.

II—That your letter was duly passed to my Father who has expressed his willingness that the request made on behalf of your clients be complied with, and the verses they require put at your disposal.

III—That since it happens that I myself am sailing on the 23d August, on the Cunard liner S.S. "Lusitania" (due to arrive in New York on the 29th inst.) we think it desirable that I shall take a copy of the verses with me, and deliver them to you or your client, or your representative, in person. I may state that I shall be in New York only one night, as I shall be sailing on the 30th for Bermuda to rejoin my regiment, which is stationed there.

I enclose my card and remain,

Yours very truly,

(Signed) PERCY C. ESDAILE.

Capt. Esdaile of the Queen's Regiment on his arrival in New York sent the following letter:—

NEW YORK, 29th August, 1913.

DEAR MR. EMMET:

I arrived in New York this afternoon on board of the "Lusitania" and received a letter from Mr. Frank J. Sullivan of San Francisco giving me your address and requesting me to see you. He informed me that you were at present at Narragansett Pier, and as I have to leave New York tomorrow for Bermuda I much regret that I shall be unable to avail myself of the pleasure of meeting you.

I brought you the Shelley MS. you were desirous of acquiring and inclose herewith a copy of the verses which the poet (my great grand-father) wrote to the Irish Patriot, Robert Emmet, two of which are, as you know, quoted in Dowden's "Life of Shelley". I would be much obliged if you would kindly send me an acknowledgement of same to Prospect Barracks, Bermuda. I inclose my card.

Yours very truly,

(Signed) PERCY C. ESDAILE.

In a free country there is much clamour with little suffering; in a despotic state there is little complaint, but much suffering.

Carnot.

Note XXIII

(See Vol. II—Page 313.)

A

LETTER

TO THE

IRISH PARLIAMENT,

ON THE

INTENDED BILL

FOR LEGALIZING

MILITARY LAW.

BY MISS EMMET.

There is no sure foundation set on blood.
King John.

DUBLIN:
Printed and Sold by the Book-Sellers
1799.

The constitution is the rule prescribed by the people, according to which the government is to act. The government is the machine itself in motion, the constitution is the law by which that nation is to be directed.

Robert Holmes.

A LETTER TO THE IRISH PARLIAMENT, ETC.

BY MISS EMMET

CONTENTS

Has looked with indifference on adoption or rejection of the Union—Feels alarm and anxiety at proposal of Bill to precede and ensure success of that measure—Asks that the Bill will be rejected if her fears are well-founded—Does not dare expect the Parliament will refuse assent to act of extermination though refused to Union—Laments and regrets refusal and opposition—Has irritated government and will not prevent the measure—Asks if last act of an Irish Parliament is to be to record its futility in opposition and its depravity in submission—Reference to Coercion Act—Excesses committed by authorities in Connaught imputable to Yeomanry and Regular Army—Houghing of cattle committed by yeomanry—Army refused to assist in apprehension of offenders—Parliament has enlarged a system of Coercion already existing—With what result?—Asks if while professing opposition to Union Parliament will avow itself friendly to annihilation—And how is Union to be opposed if government is armed with power to enforce it?—Every attack must be repelled, every movement leading to it matched—Without the concurrence of the Irish Parliament the power of the English Minister innoxious—Against wishes of an Irish Parliament it is impotent—An independent Parliament cannot exist in an enslaved country—Only extermination will end the miseries of the Irish people—To think cannot be made criminal—The human understanding cannot be limited by penal restrictions.

Warns members of the consequences of their acts—They have annulled every protection to their country—Have legalized the inquisitorial cruelty of military law and licentiousness—Continuous appeal to members to consider the suffering their acts will entail on their defenceless fellow-countrymen—Foresight would have prevented them laying the foundation for the destruction of their own immunities on the destruction of the liberties of their country—Their own interest dictated the passing of Catholic Emancipation and Parliamentary Reform—Parliament instituted to protect, not oppress, the people or abrogate or alienate their rights—The people were deceived by high-sounding phrases—Parliament was made the instrument of its own destruction—Government could not declare military law against Parliament, but wanted it against the people—No Rebellion existed—It had to be created—A last appeal against passing the Bill to legalize Military Law—And consigning the country and themselves to unnecessary destruction.

I do not believe that Ireland is a poor country because she is over-taxed, but I think she is over-taxed because she is poor.

Unknown.

A

LETTER

TO THE

IRISH PARLIAMENT, Etc.

GENTLEMEN,

In common with most of my countrymen, I have looked with indifference to the adoption or rejection of an Union. And in common with them, I now feel the utmost alarm and anxiety at the proposal of that bill, which is, I find, to precede and ensure the success of that measure. Shall I confess, and are not my fears well founded? that I do not hope that you will reject this bill: I do not dare to expect that you will refuse your assent to this act of extermination, though you have refused it to an Union—and I lament that refusal—I deprecate that opposition which has irritated the Government, and will not prevent the measure: I lament, that you did not let us receive Union, without adding to it persecution; and that you did not let us sink into oblivion, without an useless struggle; which, while it rivets our fetters, steeps them in blood. Is your conduct to be ever marked by incongruity? and are the last acts of an Irish Parliament, to record at once its futility in opposition, and its depravity in submission, to the will of the English Minister? Are you in the same session, to make a feeble attempt to assert the independence of your country; and to assent to the act which destroys that independence for ever?

I might, and I should have some hopes, that you would reject this measure, from the conviction that it preceded an Union. If I did not know that its name and tenor, will ensure it many partizans, even among the opposers of Union—if I did not know, that Parliament has been in the habit of adopting measures of coercion, without considering whether they were necessary, or whether they must not be injurious. Rebellion is a word of terrific sound—Government knows, it is but necessary to mention it, to induce a compliance with any measure, however preposterous; but it behoves the Parliament not to believe, without investigation, every rumour circulated by state policy.—It would be humane, it would be wise, to distinguish between the offending and the innocent—and not again, to let loose extermination on a whole nation, for the misconduct of a very small part. If rumour is to be attended to, I will tell the Parliament the rumour which I have heard, and I will pray them to investigate into the truth of it. I have heard, and I have heard it with circumstances which incline me to afford it some credit, that the excesses committed in Connaught, are not imputable to the unfortunate natives—that they are imputable alone to the yeomanry and army there. It has been asserted, that thirteen men were apprehended in the act of houghing cattle who proved to be yeomen; and that the army refused their assistance to apprehend offenders, under the pretext that they had orders not to give it. If such should be the truth, the inference is but too clear—I shall not take up your time, or insult your understandings, by making one. But I ask it from you, before you devote your countrymen to destruction, to examine on what grounds you do it—to reflect whether you are suppressing insurrection, or oppressing innocence? I would wish you to consider too, what advantages are to result from coercion, if unhappily insurrection still exists? You have tried it long, you have tried it unremittingly—have you ever found it successful?

You had a system of coercion handed down to you from your forefathers; you have enlarged it—what has been the result? Has peace arisen from persecution, or content

from oppression? No; the people have groaned under the oppression—they have writhed under, and resisted the persecution. You have seen them discontinued—have you removed the grievances? You have enacted new laws, each more oppressive than the last; you have driven them from discontent, to rebellion. Ignorance and superstition were receding from your land—you have recalled them; you have made them the inheritance of Irishmen; you have fought to make them their only birthright.

But have you ever tried conciliation; have you ever attempted amelioration? Never. From the first moment that an English foot pressed this ground, to the present, the system has been a system of cruelty, untinged with mercy.

And when, or where has persecution ever succeeded? At what period, or in what place, have the persecuted become converts to the sentiments of their persecutors? Persecution has made many martyrs; but it has never made one convert, and it never will—the nature of man resists it; the feelings implanted by the God of Justice, revolt against it. Has conciliation ever been adopted as policy, unsuccessfully? too seldom resorted to, but always effectual.

Would it not be prudent in Parliament to try the effect of some lenient measures? At least, will it not be better for them not to enact any new sanguinary laws? You profess yourselves enemies to an Union—will you avow yourselves friends to annihilation? And are you not convinced, that if you accede to the one, the other will follow? How are you to oppose an Union, when you have armed Government with powers to enforce it? Do you suppose, that by limiting yourselves to the simple opposition of one measure, you will succeed? You must repel every attack, you must watch every movement that leads to the accomplishment of it. If you allow your foundations to be undermined, your resources destroyed; you must expect to see the baseless fabric of Irish independence sink.

I would wish to suppose you not inclined to this work of extermination. I wish to suppose you rather misled, than sanguinary; but I own, that my wishes are not always supported by my reason; and that, while I would throw the ignominy, and the guilt of all those measures which curse and desolate the land! upon the English Minister and his tools; much, too much of both, revert to the Irish Parliament. Without the concurrence of the Irish Parliament, the power of the English Minister would have been innoxious; against the wishes of the Irish Parliament, it would have been impotent. I do not say that it will—I much fear that the period for Parliament to assert its independence, is past; I fear that Parliament has formed the tomb of its own independence, and the liberty of the country. An independent Parliament cannot exist in an enslaved country; the liberties of one, and the independence of the other, must exist or expire together.

But if your wishes, or your misguided policy; shall induce you to continue the system of devastation; if you determine still to encrease, and never to diminish, the sufferings of your countrymen: you must indeed exterminate—you must destroy, not simply 400,000 men, you must destroy 4,000,000 of people—you must annihilate not only the present, but the growing generation—you must sweep off the earth, not Irishmen alone, but Irish women, and Irish children! It is not enough that you tear the father from his family! the man from his country! if you leave the wife to weep her husband, the children to lament their father: you leave encreasing enemies to oppression; you add to the spirit of patriotism, the desire of vengeance.—Will the woman whose husband has been torn from her, forget how she has been deprived of him? Will she not seek revenge? Too surely she will—she will support her misery, in the hope of retribution; she will teach it to her children; she will entail it on them with her blessing—and when the moment arrives to seek this vengeance: she will nerve the arm of her son, and animate his heart, by the recital of his father's sufferings, and his father's fate.—The woman will forget that she is a mother, in remembering that she is no longer a wife! and the tear of maternal affection suppressed by the remembrance of unavenged injuries: she will, with the unmoistened eye of corroded despair, send her only hope into the field of danger, to seek revenge.—Will the boy forget that his father loved liberty? Will he not

learn to love it too? He will imbibe the love of it with his mother's milk—he will enhale it from her sighs; it will be consecrated by her tears—his young and feeble hand will grasp the engine of liberty and vengeance; his beating heart, and fervid imagination; anticipate the moment of resistance—and to repress oppression, and to seek liberty will seem a duty, not less imposed by filial affection, than by patriotism—Like the young Hannibal, he will be sworn at the altar of patriotism and vengeance—led by his mother's enthusiasm, guided by his father's spirit, to that altar; he will swear, and he will feel eternal enmity to the oppressors of his country, to the destroyers of his father.

Pause, I beseech you, before you sign the mandate of destruction; before you commit yourselves against your country; before you entail on your children the curses of their countrymen. Before you is an awful precipice—if you advance you are lost; turn into the plains of peace; listen to the voice of humanity; weigh well what you are doing; and in a moment of such import, forget the trifling considerations of self-interest: or estimate them fairly, and they will teach you the policy of justice and moderation: they will show you the folly, the wickedness of seeking to perpetuate prejudice, to rule by cruelty;—they will tell you, that you cannot divide a people, whom you have taught to unite.

As well might you seek to stem the impetuous ocean with a mound of sand, as hope to confine the current of public opinion, and public wishes, by making it criminal to think, and punishable to wish: as well may you seek to calm the raging winds of Heaven by bidding them be still, as hope to limit the human understanding, by penal restrictions.

If penal laws are to restore peace, are there not enough of them? Have you not one for every offence that can be committed, or imagined? Have you not six of your own creation? But they have proved inefficient to tranquillize a distracted country; they have irritated and inflamed the public mind—you know this; you feel this: but instead of repealing, or correcting those avowed sources of public discontent; you enact a new one, more grievous, more oppressive; than any which at present exist. In this one act, you combine all the horrors of unlimited monarchy, and unrestricted licentiousness; you make a soldiery the judges, and the executioners of your countrymen; you wrest from those countrymen, even the shadow of protection from lawless insult; you persecute, because you have injured them and you hate them because you feel that you have given them cause to hate you.

But do you expect anything from persecution, different from what has always attended it? You do not, you cannot; you consent to the measure, because you think it consistent with your own interest; and to this motive, you submit every principle of justice, every sentiment of humanity. As individuals, you are many of you liberal; most of you well informed; as legislators, your conduct is marked by illiberality, and seems the result of ignorance. From your private lives, and private characters, a bigoted attachment to any form of religion, is not imputable to you; yet you retain a code disgraceful to humanity, and inconsistent with justice, because the Minister commands it—and if he commanded it, you would heap penalties and punishments on the Protestant Ascendancy, with the same facility that you retain them on the Catholic Religion.

But reflect on where and what you are; reflect that you are in civilized Europe, in the latter end of the eighteenth century; that you are senators of a country called independent;—and if this act passes, ask yourselvs what you will be? Your names and your conduct will not be unmarked in history; you are probably the last Parliament of Ireland—as such you will be known, and your actions canvassed. The last Parliament of Ireland—Futurity will ask why you were the last, and history will most faithfully answer—And is it to be recorded of this last Parliament, that their last act, in the last year of the eighteenth century, was to annul every protection to their countrymen, and to legalize the more inquisitorial cruelty of military law, and military licentiousness? Is it thus you wish to be known to posterity? Is it thus you wish to be known to yourselves? When the mists of prejudice and passion are dispelled; when unclouded reason dwells on the past, and sits as censor on the measures, and the motives: when the war of interests

has ceased, and selfishness no longer represses justice—you will judge of your own conduct, as your countrymen now judge it. Not more do they now deprecate, than you will then despise it—you will review it with accuracy; you will censure it, almost with severity: and in the indignation which you feel against the action, you will forget that you were yourselves the actors: and wonder at the blindness, the folly, or the depravity which adopted this *measure*—nor will the moment of reflection be delayed long; and the moment of feeling will arrive very soon.

When this bill has passed, and an Union is accomplished, when each of you, no longer legislators, but private individuals, returns to his home, through a country ravaged and desolated under the sanction of *this military law*—will the journey be a cheering one? And will the heart that has been sickened, and every human heart must sicken, at such sanguinary scenes, expand and animate; when it returns to that home, which rises amidst the execrations and lamentations of a suffering peasantry? when the village blazes, and the cries of its inhabitants vibrate on the ear—will not conscience whipser, *I have sanctioned this?* Believe me the moment of bitter, though unavailing repentance, will come—it will come when your interests no longer clash with those of your countrymen; and when divested of your power, by the superior power of the Minister, you will know what it is to be impotent; you may feel what it is to be oppressed;—you may become the victims of that unlimited power with which you are about to invest Government—the shaft aimed against the liberties of your country, may recoil on your own breasts; it may wound you through your children; it may pierce you in every dearest tie. Each of you may see your son, the child of your expectation, a victim to *this military law;*—while he is dragged from your arms—while you part for ever, the blow that severs you, will strike on your heart, and tell you—*you too sanctioned this.*

And if this measure passes, it will indeed be your last act as a Legislative Body,—for as to the Union, it is not to be considered as your measure; you would oppose it if you could; you will accept it, because you must—to you therefore does not attach any of the responsibility of that, farther than as your previous conduct has enabled the Minister to force it. Had you foreseen that all your compliances, your excessive exertions of power, would have ended in this; I do not believe you would have acted differently. You would not, on the destruction of the liberties of your country, have laid a foundation for the destruction of your own immunities. Had you known that instead of rising or falling with Britain, you were to rise or fall with Ireland, Ireland would not now be in the state to which you have reduced her. Had you known when you refused Parliamentary Reform and Catholic Emancipation, that an Union was to be the consequence of that refusal, you would have conceded both measures, not to the wishes of your countrymen, not to justice, but to your own interest. Had you felt, when in compliance with the wishes of the Minister, you passed the Convention, the Insurrection, the Indemnity bills; and every other bill that was aimed against the vital principle of Liberty; that they were to injure, not your country alone, but yourselves: you would have rejected them with indignation; you would have treated them with contempt: and we should then have heard, as we now hear, animated expressions of public spirit and glowing declarations of attachment to National honor, and National independence. We might perhaps have heard too, of the imprescriptible rights of the people; and had it been ascertained that the adoption of those laws would be followed by Union, the Minister would have been told that Parliament was constituted to protect, not to oppress a people; that it could not abrogate their rights, or alienate their indepedence—and such language might then have been used, (and it would have been the language of salvation to the country). There was then something on which to found the superstructure of Liberty—the people were oppressed, grossly oppressed; but they were then not totally enslaved—a little concession, a little amelioration would have made them men—would have contented them. There were many abuses to reform, but they might have been reformed; there were many grievances to redress, but they might have been redressed. Now, when abuses are piled on abuses, and grievances heaped on grievances, with what will the people be contented? Let Parlia-

ment answer that question; let it revise its statutes—and then let it answer with what the people *ought* to be content. It would then have been the language of wisdom; it is now the language of unfeeling mockery. To talk to a people of preserving their rights, when you know that you have not left them one; to tell them that they shall have a separate Legislature, to protect their liberties, when their liberties are all extinguished!—it is like telling a man, that you will most carefully keep the casket for him, from which you have yourself taken every gem!

Thinking thus of your former conduct, it may excite your wonder that I should now address you, and indeed I almost wonder at it myself; but there is in the most hopeless situation, a something of hope remaining; and while an effort can be made, however weak, I deem it criminal to remain inactive. I would wish to press on your attention the impolicy of adopting this bill; I fear it is useless to dwell on the criminality of it; I would wish you to be perfectly aware, that if you pass it, you must accede to the Union. I would wish you to remember, that this bill is solely the result of your opposition to that measure. If you had consented to it in the first instance, military law would not have been deemed necessary; but you raised resistance to it; you encouraged county meetings; you received addresses; and you talked with senatorial propriety, of obeying the instructions of your constitutents. It was a new sound to the People, and to the Government; both thought it imported much more than you really meant by it. The people gave you credit for sentiments you did not feel, and for intentions that you have not fulfilled; the Government feared that you had begun to see what you ought to do, and that you intended adhering to the conduct which you declared you would adopt; it feared that you were awakening from the deep sleep of venality, and that you had thrown off the torpor of corruption. But it has one infallible soporific to lull the virtue of the Parliament, rebellion—and for this, discontent is created, or encouraged; for this the plaints of misery are swelled into the menaces of defiance; and the feeble form of discontent, enlarged to the gigantic magnitude, and gifted with the terrific strength of general insurrection. Government cannot avow that it seeks to declare military law against the Parliament; therefore it must be against the People—and Parliament is made the ostensible agent of that measure which is in reality aimed against itself. But there must be something on which to found, this exceeding of legal power; there must be some pretext for the revival of this measure, which the present Viceroy so entirely discountenanced, so pointedly reprobated, when it was considered as the interest of Government to appear merciful. Hence the connivance at the depredations of common robbers; hence the refusal of additional guards to the mail-coaches, but for these depredations the country must be proclaimed. Cattle are houghed in Connaught, either by the yeomanry, or by a very small number of the misguided, unfortunate peasantry. And for this the whole island is to be declared in a state of rebellion. But where does this rebellion exist? You are yourselves assembled from every part of the country; you are as competent to judge, as any hireling of government. Does it rage in the North, or in the South, or in the East? If it really exists in Connaught, and I much doubt it, and if military law is the efficient method of subduing it, why not proclaim Connaught alone? Why put all the rest of the country out of the ban of civil law? Why denounce vengeance and devastation on the whole, for the offences of a part? Surely you must be convinced, that it is not against the country alone, that military law is intended, but against you, against your opposition to the Union. Pass this law, and if you object to the other; if you are not forced to consent to it, your objection will be made null, you will be dissolved; and government will secure a majority in the new Parliament; reject this bill, and you may resist the other: this cannot be forced on you, the other certainly will.

I do not call on you to make sacrifices to your country; I know that the Gothic period of making sacrifices to patriotism, is past, and I am sure the Irish Parliament will not revive it—I speak to you as men accustomed to consider your own interest. In this instance, happily it coincides most evidently with that of your country—and from this alone I still hope. If you should pass this act, you sign your own fate; the country may

rise above the ruin which you have prepared for her, but you never will—4,000,000 of Irish People may yet be happy, but the Irish Parliament will have sunk for ever. I speak to you prophetically, the prophecy of unbiased reason, and unsophisticated truth; do not reject the counsel, because you are unacquainted with the adviser. I address you for the last time—and with all the solemnity of a last address, the softened feelings of an eternal separation; I conjure you to arrest your hand, and not to consign your country and yourselves to unnecessary destruction. A little time, and you will not have the power either to injure or serve that devoted country—Oh yet leave it something, for which it may not learn to curse your duration, and rejoice in your extinction—let your last act be rather an act of mercy than of cruelty; so may your memory be hallowed by the forgiveness and regret of your country—if your Parliamentary career is over, do not let its termination be marked by cruelty—if the legislative sun of this horizon is to set for ever; do not make it set in *blood*—let its last rays shine with the purified brightness of penitent conciliation; let its last beams diffuse the vivifying warmth, which its meridian splendour denied.

Though decadent from an economic point of view, one might suppose that, financially at least, Ireland has derived some profit by its union with a "rich and generous partner". But the truth is that no Shylock was ever so greedily anxious to extract his pound of flesh from so poor a debtor. Ireland, it has been said, is drained dry by England of every thing except water.

Kettle's Translation of L'Irlande Cotemporaire, Paris, 1907.

Note XXIV

(See Vol. II—Page 313)

AN

ADDRESS

TO THE

PEOPLE OF IRELAND

SHEWING THEM

WHY THEY OUGHT TO SUBMIT

TO AN

UNION.

BY

MISS EMMET

Of Comfort, no Man speak; let's talk of Graves, of Worms, and Epitaphs.
Shakespeare.

DUBLIN:
PRINTED AND SOLD BY THE BOOK-SELLERS.
1799.

Make no Union with us, Sir. We should rob you.

Dr. Samuel Johnson to an Irish Member.

WHY IRELAND SHOULD ACCEPT THE UNION.

CONTENTS

Indignant at attempt to raise opposition to the Union—Convinced that it will be impotent and injurious—Parliament not the sanctuary of Patriotism—Adoption of a name does not imply animation by its spirit—It left the people no right to support—It shielded oppression—It legalized injustice—It indemnified cruelty—By accepting the Union the people only lose a name—If chains have to be worn it matters not whether they have to be worn as Irishmen or as West Britons. If one right were left unalienated she would say in its defence, "Never submit to an Union" —Asks for what cause Union is to be opposed—For what Parliament supported—What have the People to dread from an English Parliament which they have not suffered from their own? If the Parliament meant fairly by the people, it would expunge from its records those acts which blast confidence and destroy hope—It would offer to return to the people the power delegated to it to remodel it—The Parliament of Ireland must depend either on the Irish People or on the British Minister.

Asks if Parliament knows the point on which the attention of the country has been fixed—The people see laws made to coerce them infringed by those who framed them—Great men may call county meetings; the people may not—Have no means of making their voices heard—A Parliament which does not defend its own people is not to be desired—Nor is a Union to be resisted for its sake—Merits or injustice of Act of Union not worth discussion—Necessity its only justification—The only discernible argument used by the British Minister in favour of it is that of Force—The sophistry which blinds and deceives a nation not worth arguing about—But the Union will be passed, for the British Minister is not a man to relinquish an object—The continuous importation of British soldiers implies that he wills the Union—They are the foreign guards sent to impose the policy the Irish Parliament supported—Not one advantage will come from the Union—No convention will be equally conducted where the parties to it are unequal—Would not oppose Union, because it is inevitable.

Said by some Cork will be advantaged; Dublin injured—From the point of view of national interests it matters not which city is richest—The wealth resulting from commerce will not remain in Ireland, but will go to England—Ruin of Dublin already begun—Ruin not only destroying edifices; it is destroying men—In Ireland, abundance and want have come constantly in contact—They have met with mutual defiance and parted with mutual distrust—If Trinity College with its learning, illiberality, prejudices and venality were sunk all together, the country would not be injured—No intention to awaken resentments or excite hostilities—Merely to warn Parliament of intentions of British Minister, and how they may be frustrated—Asks the people to beware of insurrection—Knows their power, but warns against it, because the Minister who promoted insurrection in France, attempted it in Holland, and effected it in Ireland, wants it again as a pretext for his purpose—A Eulogy of the energy and genius of Pitt who had ruled England for sixteen years, and whose policy always produced contrary results—An instrument of Providence to produce good and evil—The Duty of the People of Ireland—Counsels laying aside vengeance and bigotry which have been a pestilence to the land—And calls on the Deity to teach Irishmen to put away political and religious animosities and remember only that they are Brothers—Irishmen.

AN

ADDRESS, &c.

COUNTRYMEN,

I have seen with an indignation, suspended by astonishment, the efforts which have been made use of to raise an opposition to the intended measure of an Union. I have attended with anxiety to what might be the result of this opposition, and I have been convinced that on your part it will be impotent and injurious.

The period is a singular one, the events of the present year mock the calculations of the last, and where the revolution of the public mind will rest, who will be daring enough to say, who would have been hardy enough to predict in 1798, that at the commencement of 1799, Parliament would oppose the measure of the British Minister? Who would have foreseen, and by whom would it have been believed, that patriotism, long suffering, much reviled, and much caluminiated patriotism, driven from the Northern coast to seek refuge on the sea-beaten wilds of the West—pursued wherever it could be traced, by extermination—branded wherever it rose, with infamy—and marked wherever it was met, for destruction—that spirit, against which every hand of power was raised, which like the troubled dove, could find no place on which to fix its feet, on which to rest its wing; should seek and should find a sanctuary in the great chair of the House of Commons, and animate the declamation of the opposition?

Accustomed as I have been to consider Parliament not as the sanctuary of patriotism, the adoption of the name does not bring conviction to my mind that they are animated by the spirit; and I warn my countrymen to beware of the delusion. You are called on to oppose this Union, and to preserve your rights. Now, I ask the men who call on you, what right you have to support? I ask Parliament what right *they* have not wrested from you? They adjure you to support the Constitution. Alas! for that Constitution, originally a shadow, now embodies a substance of corruption. You are called upon to resist, *what?* Not *oppression*, it has been *protected*—Not *injustice*, it has been *legalised*—Not *cruelty*, it has been *indemnified*. You are called on to resist an Union. You are called on to oppose an incorporation by which you are to lose—a name.

If I am to bend to the altar of British supremacy, if I am to wear the chains of everlasting slavery, it matters not to me whether I wear them as an Irishman or a West Briton—It matters not to me whether my fetters are forged in East or West Britain; if I am to receive the essence, I will not war about the form in which it is presented to me—If you had one right unalienated, I, too, would say to you, while the life blood flowed from my heart in defence of that right, "Never submit to an Union—never, never, never".

But to retain what, are you to resist this Union, to support this Parliament? Is it to preserve your Penal Code, that you are to resist it? Is it for the suspension of the Habeas Corpus Act? Is it for the Convention, the Insurrection, and the Indemnity Acts, that you are to resist the annihilation of the Parliament which passed them?—While those bills stand recorded on their journals, Parliament ought to know, that the country cannot dread their extinction. And if the Minister of England wishes to use any argument, but military force, for the accomplishment of this measure, let him present that statute book to the people, and ask them—Why should you wish the duration of this Parliament? do you not feel that I am omnipotent in it? are not my mandates written *here in blood?*—Have you ever ob-

tained one measure from your Irish Parliament, against my wishes?—Have not they, as I commanded, offered you conciliation, and given you persecution—Have they not elated you with hope, but to crush you with disappointment?—What have you then to dread from an English Parliament, which you have not suffered from your own? People! submit, when you cannot resist; and after all that you have borne, repine not at the consummation of your fate.

If the Parliament meant fairly by the People, if they wished to gain their confidence, or to deserve it, they would expunge from their records those acts which must for ever blast confidence, and destroy hope—They would say to the People, Countrymen, we are men, and we are weak—We have injured you, most deeply, most fatally—We were placed here to protect; and we have destroyed you; but we will repair that injury, we will revoke that destruction—We here repeal, in the face of our country, that code which the barbarous prejudices of our ancestors instituted—We repeal too, that code, which our own sanguinary policy framed—We return into your hands the power which you delegated to us; purify it, regulate and restrict it; and from the sovereignty of the People, if the People wills it, we will again receive it. Parliament of Ireland, act thus, and the people *will* oppose an Union—Expunge from your Statutes those sanguinary proscriptions; and a generous People will erase from their remembrance, the recollection that they ever existed, from their bosoms, the feelings which they have excited—Do this, and you will stand; if you do not, you sink?

I tell the Parliament of Ireland, that they must depend either on the People or on the Minister—I tell them, that if they adhere to the one, they may exist; if they resign themselves to the other, they are annihilated—I tell them, it is not on the adoption or rejection of an Union, their existence depends; it depends on the adoption or rejection of measures of sound policy and enlightened humanity—I tell them, that if they do not receive invigoration from the spirit of their country, they will sink cyphers in the hand of an arbitrary Minister—or, if they do not conciliate the affections of their countrymen, they will become victims to their long suppressed resentment.

Is Parliament aware of the point on which it has fixed the attention of the country? Does it know to what it leads the minds of Irishmen and that while by the great majority, Union is unthought of, their power of opposing the measure is an object of serious import. The People see, that the Minister may be defeated; they see that those very laws, which are enforced against them, are nugatory against the higher orders —They see the Convention Bill infringed by the very men who framed it; and county meetings called universally under the auspices of Members of Parliament.

If great men have a right to call county meetings, to express their disapprobation of one measure, have not poor men a right to call them, to express their wishes for another? Are laws only binding, when they are to restrict a people from stating their grievances, from demanding redress? County meetings ought to be called, the people ought to instruct their representatives to examine into their grievances, to redress them; to frame a parliamentary reform, on the broad principles of immutable justice and universal franchise; they ought to instruct them to address the King, to withdraw his foreign troops, only retained here to intimidate and extirpate. The Parliament will receive instructions, they have declared themselves bound by them, after receiving them, when they coincided with their own wishes: will they, because they do not reject them, have they mocked you with a power, that under it they may shield themselves from the resentment of the Minister, and will they deprive you of it, when it is no longer useful to themselves? If such is their intention, I maintain that the duration of such a Parliament is not to be wished, nor for this an Union to be resisted.

I shall not enter into a discussion of the merits or justice of the measure; in my mind, there can be but one opinion as to its justice; and but one argument for its

adoption, necessity.—If I was inclined to oppose an Union, it should be with the speech of the English minister; in which I cannot find one argument in favour of it, save that one to the potency of which I bow, *Force*. When that sophistry which blinds and deceives a nation, cannot adduce one solid reason for the measure, and when the gigantic talents of a Pitt descend to adopt the assertions (for they do not deserve the name of arguments) of an English-Irish Clerk, who will be weak enough to attempt arguing on the merits of the question?

But let the Parliament believe me, when I assure them that this measure will yet be carried, unless some better is adopted, that this measure, so obnoxious to their feelings, so hostile to their interests, will be adopted, let them not flatter themselves, that because *they* have rejected it, it will be relinquished. It is not the temper of the British Minister, thus to relinquish a favourite object. The man who has armed Europe in a war of extermination, who when he sees ruin recoiling on the assailants, and monarchy hurled from her firmest seat, pursues still the same conduct, is not to be affected, or his purpose changed by the voice of an Irish Parliament.

For what, think you, is the daily importation of English soldiers? Is it to subdue rebellion? rebellion no longer exists and the work of extirpation is nearly over; the Ancient Britons are fully equal to the accomplishment of that—it is to intimidate—it is to tell you, in a language that it would be stupidity not to understand, and it is madness not to attend to, that the Minister of England wills an Union.—

As long as foreign troops are spread over your country, as long as they swarm in your capital, trust me an Union is not relinquished, trust me it is the intention to dragoon you into the acceptance of it; and as long as you, legislators of the land, permit, without representation or complaint, force and illegality to stalk triumphant through your streets, you cannot wonder if the People doubt your sincerity, and feel an indifference about your existence.

I beseech you to consider, fairly and seriously, for what purpose the British troops are here; consider it only with a reference to this measure: and to this measure alone do I consider it as referring—What is to be the result? Are they meant to protect the freedom of debate, or to destroy it? If you reject an Union, are they to support the rejection, or to contradict it? I ask you, whether it is your wish to have them here; and if it is, I will tell you that you are not the Parliament of the country but of the Minister, and that you will soon cease to be a Parliament. If even in this measure of an Union, you mean honestly by the People, what have you to fear? Do the opposers of the measures require protection from the too fervid gratitude of their countrymen? Learn from the excess of that gratitude, to estimate the feelings of a generous and credulous People. You all know the motives of your own conduct, ask yourselves then, to what portion of praise that conduct is entitled; and if your motives are not pure, blush at receiving it. If they are, return to the bosom of your country, in the spirit of regenerated patriotism. If you do not give her cause to fear you, you will not have cause to fear her; you will discard your foreign guards; you will rely on the merited affections of your countrymen, and become in reality the representatives of their wishes, and the guardians of their rights.

Nor shall I dwell more on the advantages which are to accrue to this country from an Union, than I have done on the justice of the measure; nor do I believe that one advantage will result from it, or from any other convention between Ireland and Great Britain, which the English Minister proposes, and which the English mercantile interest approves of, no convention or community of interests ever will be equitably conducted where both parties are not equally able to assert their own rights, and to resist the innovations, or injustice, of the other. How far our commerce is likely to be fostered by the hand which has nearly crushed it, or our rights attended to by the power which has annihilated them, is not necessary to be com-

mented on. I beg my countrymen not to suppose, that I think the measure a good one; no, but I know it to be inevitable. I beg them not to suppose that I place the smallest reliance, on the promises of equity, and disinterestedness of the Minister No, but I know that we cannot either reject the measure, or insist on the performance of the treaty; I know that our part of it will be signed and most strictly performed, and that the English part of it will be filled up, how and when it suits the interest of the Minister. As to the justice we are to meet, it will be like that which is shown to a child by the guardian who wrests his all from him while he tells him; I will make you happy; and give the child a whistle, or a cake. The boy may feel that he is injured, but he must *then* submit!

It is said by one party, that Cork will be advantaged, and by the other, that Dublin will be injured. In the great scale of national interest, it appears to me of little importance, whether Cork, or Dublin, is to be the richest city. But I deny that Cork will obtain any durable accession of wealth from the Union; commerce may animate that city, but the wealth which results from *that*, will not remain in the bosom of Ireland, it will be poured in the lap of Britain. Should any accession of commerce happen, or an encrease of industry arise, (which I do not admit probable); neither the accession of commerce, nor the encrease of industry will enrich this country. No, England would banish commerce from your coasts, would sap the source of industry, if she did not know, that to her, resulted all the advantages.

As to the argument, that Dublin would be ruined; they must be miserably ignorant of the state of Dublin, who suppose that the reign of ruin would then commence: who do not know, that ruin has been long an inmate of their capital. Let them seek the haunts of ruin, they will find her, not merely destroying edifices, they will find her destroying man! They will see her consuming the habitation, and the inhabitant! Let them contemplate the ravages of desolation, in every mansion of misery in their liberties and their suburbs; and they will perhaps feel as I do now; that it is not the destruction of stone and lime which is to be deprecated, it is the destruction, the unalloyed, unobserved, destruction of the human species, which ought to be lamented!—

The ruin may be more striking and more marked, which moulders the edifices of ostentation; but to humanity, it will not be so awful, nor to political wisdom so important. Should this ruin come, it will but assimilate the glaring distinctions of the city into one mass. Splendour will no longer rise in the vicinity of wretchedness, nor misery curse the unfeeling luxury which mocks its hopelessness! It has been a misfortune to this country that abundance and want have constantly come into contact; they have met with mutual defiance;—they have parted with mutual distrust.

With respect to another objection, that the seminary of instruction would be destroyed, I declare on my conscience I do not think that if Trinity College, its learning, its illiberality, its prejudices, and its venality were all sunk together, the country would be injured by it. If from its extinction I could see arise, the simple principle of—do justice and love mercy,—I feel that my country would gain. It is not science I would wish to destroy, it is not learning that I would wish to limit; but I would wish science to be accompanied with liberality, and learning with humanity.

It is not my intention to awaken resentments, or to excite hostilities between any parties; my wish simply is, to warn parliament of the intentions of the Minister, to shew them how alone they can defeat them; how alone they can preserve their own existence; and to prevent the People from placing an implicit confidence in Parliament, if it does not prove itself worthy of the trust. I wish to shew the People what they have to hope or expect. I wish them to prepare their minds for what is to happen: and I entreat the Parliament, and the Corporations, and the County meetings, not to turn the People's attention to a point from which it may not be easy to withdraw it. I entreat them to consider, that though by resistance they may not mean anything; the People would mean much, and that when they frame the public mind to resistance, and lead it up to the

entrenchments of British connection, and stop there or march over and resume their places under British supremacy; the people may not be prepared to stop too, they may not have been aware that they are to go so far as the interests of Parliament shall lead them, and no farther. I conjure the People to preserve their temper, and not to suffer themselves to be deluded with any idea that they can or ought to resist this measure. I conjure them to beware of insurrection; and I do not address them thus from thinking meanly of their strength, I know their strength, I know it from the apprehensions of Government; I saw a small portion of it in the late immatured, ill-contrived, ill-conducted and unfortunate insurrection, without heads, arms, ammunition or discipline, shake the Government to its centre. I would beg the People to remember that it is the wish of the Minister to have them in a state of insurrection that he may have a pretext for this measure, it was his wish to have them driven into insurrection before; it was his command to goad them into it; and hence the system of unparalled cruelties which we have witnessed and from which I trust my countrymen have learned to detest cruelty,—I trust that in their sufferings from the measure; they have learned to abhor the principle and that those injuries which they have born with a patience and magnanimity unexampled and which never can be exceeded they will not seek to avenge,—that they will not stain the fair page of history which records them as a People of Heroes, by making it also record them as a People of vengeance.—It was equally the wish of the friends of the country to keep the People from commotion, as it was that of the Minister to bring them to it; both felt that partial insurrection must be as injurious to the country, as advantageous to the Minister.—Insurrection has been one of the favourite measures of that man; he has tried it in France; he has attempted it in Holland; and he effected it in Ireland—steering wide, in his political career, of every principle of avowed and understood policy; he astonishes and awes—bewilders and leads a fascinated people.—Minister of England, you are a great man! while I detest your principles and deprecate your measures, I admire your abilities!—for fifteen years you have ruled Great Britain—you have converted a fluctuating and delicate situation, into a certain and critical one.—You have blinded a selfish nation to their own interest, and led them on to their own destruction.—You have paralyzed, or energized all Europe.—you have sent Liberty to the Asiatic and the Indian—You have persecuted the spirit, and the genius has arisen to avenge the persecution—Wherever the name of Pitt and the fetters of slavery have gone, the Genius of Emancipation has followed—You have conceived uncommon designs—you have attempted them, and they have failed—Man of immeasurable talents, why have you not learnt that rectitude would have assisted you!—why has not your policy taught you sometimes to appear to feel like a man—and why has not your reason detected the fallacy of your crooked policy!—For fifteen years you have held the helm of Britain, you have ruled her with an undivided and absolute authority—you have ruled her ill;—you have been to England a bad Minister—to Ireland, a destroying spirit—passing over the land with devastation, sparing only those whose thresholds *were marked with blood*.—You have fought to precipitate her into the gulph which you have formed for England, and you have overwhelmed her in chaos and confusion—whether to Ireland is to rise light out of darkness, and order from discord; yet remains with that Providence, whose inscrutable wisdom works good out of evil, and often makes the crimes of men, the instruments of good to the species.

PEOPLE OF IRELAND—It is not your duty to oppose an Union—your duty is to cultivate universal good will and mutual confidence, to merge in divine philanthropy—the persecutions of mutual bigotry.—Too long have they been retained; too much have we suffered from it! it has been an irresistible engine in the hand of power; it has been a pestilence to the land;—blind and willful, we have been led on (not by religion)—religion has retired to weep over the horrors committed in her name—and appeals to her founder, to the founder of universal benevolence, from the charge of exciting those crimes—from the misery of supporting the imputation.—Not for thee, Lord, not for thy honour or mine are those things done—we teach them not—you practised them not. God

of humanity, dispel the mists of bigotry and superstition; let not your altars be stained with blood; let not your worship be profaned by persecution—teach brother to love brother, and man to love man—bury their mutual injuries and animosities, restore the purity of peace and justice!—We have been led on by sanguinary policy; we have worshipped barbarism—we have elevated cruelty—and forming to ourselves the idols of Protestant Ascendancy, and Protestant Bigotry, and Catholic Zeal and Catholic Superstition; we have destroyed the altar, and forgotten the God of Christianity.—Countrymen awake—look back on your delusion with shame.—Unite your hands—unite your hearts—remember that you are men—that you are Irishmen—Embrace.

Too weak to throw off the power of England in her own country, Ireland still has a part to play in the game of international politics, and for years she has played it with a winning hand. Unable to assert her independence at home, she can still frustrate her enemy abroad; and splendidly has she succeeded on many occasions. The fact that England has, so far, failed to get an American alliance is due to the wise and far-seeing action of Irishmen in America—the fact that England's present strenous efforts will meet the same fate will be due to the same men. If they succeed, and we believe they will succeed, in frustrating England's policy in America until the now inevitable Anglo-German war arrives, then the people of this country may see stirring times.

"Irish Freedom", Dublin, 1913.

Note XXV

(See Vol. II, page 320)

REPORT OF THE

SUMMING UP OF ROBERT HOLMES

IN HIS DEFENCE

AT THE TRIAL

OF

JOHN MITCHEL

ON THE

CHARGE OF SEDITION AND TREASON

DUBLIN

MAY 24TH 1847

BEFORE A "PACKED JURY"

OPENLY SELECTED "IN THE NAME OF THE QUEEN"

TO SECURE THE CONVICTION OF THE PRISONER

TO TRANPORTATION AND

PENAL SERVITUDE (SLAVERY) FOR LIFE.

Miserable England! I prophesy the fearfull'st time for thee.

Shakespeare, Richard III.

Let not England think that a nation containing at least two-thirds of the military population of the empire, is to remain upon her knees in hopes of the interval when cruelty and folly may work themselves to rest and humanity and justice awaken. I say forbid it the living God! that victim man should not make his election between danger and degradation, and make a struggle for that freedom without which the worship of His name has no value.

Curran.

ROBERT HOLMES' DEFENCE OF JOHN MITCHEL

Mr. Holmes, after his eightieth birthday, defended John Mitchel, May 24th 1848, on the charge of "felony-treason", before a jury concerning which the papers of the day stated—"the Queen selected the jurors", or in other words a packed jury was formed, that there should be no acquittal. Mr. Mitchel was "tried" in the old Green Street Court House, which Mr Holmes had not entered since the trial of Robert Emmet, forty-four years before.

The report of his last public or professional effort is taken, as already stated, from John Mitchel's paper "The United Irishman", issued on the following day, May 27, 1848, and then seized and destroyed by the Government.

Mr. Holmes rose to address the jury for the defence, at a quarter past twelve o'clock. He said—

May it please your lordships, and gentlemen, I am counsel for the prisoner, John Mitchel; and I am well aware of the important duty which devolves on me this day, as counsel for that gentleman, and also of my inadequacy to discharge that duty; but I will avow, that I feel pride at being selected on this occasion by Mr. Mitchel, because I believe in my heart that he is an honest man sincerely attached to the principles he avows—and no doubt which he avows boldly—and although the government of this country may fear him, or hate him, they cannot despise him. Gentlemen, having thus said a word respecting the prisoner as to character, I shall now proceed with his case. The Attorney-General has fairly stated the case on behalf of the Crown, and has read very fairly all the publications respecting which Mr. Mitchel stands indicted; and there is only a part, and one part only of the Attorney-General's statement to complain of, and that in his conclusion. I do not think he was warranted in stating to this court what instructions he or those connected with him received from the Chief Governor of this country with respect to the striking of the jury; I think the Crown should never know anything of striking juries—not a word —or give any instructions on the subject; for, if the Crown can do it, with respect to giving fair instructions, it—

The Attorney-General—What I said was that the instructions I gave to the Crown Solicitor were as I stated.

Mr. Holmes—I may be mistaken, but would be very sorry to misinterpret anything said; but I misunderstood that you intimated your instructions were from the Lord Lieutenant.

The Attorney-General—Most certainly not.

Mr. Holmes—Then I am mistaken. That is quite sufficient.

Baron Lefroy—If the Attorney-General's statement, on this point, had not been with a view to vindicate himself personally from charges made against him, I would have felt it my duty to have interrupted him. It was with that view alone that we allowed him to proceed.

Mr. Holmes—Well, my lords and gentlemen, I may be mistaken in that; but there is yet something in the Attorney-General's concluding statement I cannot be mistaken in, and which I find fault with. There was, as you are aware a challenge to the array in this case on the part of the accused, in consequence of information he had received, to the effect that those whose duty it was to empanel an impartial jury had not in all instances done so, particularly with respect to Roman Catholics. That issue was raised and questioned, and the triers found, on their oath, that the panel was a fair and impartial one; but what do I find them? I find of this fair and impartial jury—found to be so by two respectable citizens—the crown strikes off no less than thirty men, eighteen of them Roman Catholics. There can be no doubt on that subject—therefore I will at once dismiss it. In this case, gentlemen, the prisoner, John Mitchel stands charged with two distinct offences; and it is somewhat remarkable that in support of those two distinct offences, the very same evidence is given to support both. The Attorney-General will be very well satisfied, no doubt, if you give him your verdict on both, or either charges or for anything like the foreman of the grand jury who found the bills. The foremen of the grand jury, gentlemen, having been asked if the jury had found bills against the prisoner—replied—"Oh yes, we find

him guilty of sedition". "Gentlemen", said the officer of the court—"he is not indicted for sedition".—"Well", said the foreman, "we find him guilty of treason". "But gentlemen", again interrupted the officer, "the charge against Mr. Mitchel is for felony", "Oh! no matter", said the foreman, "sedition, treason or felony, it is all the same to us", and so with the Attorney-General; if you convict the prisoner, that is all that he wants. Gentlemen, as the court will tell you, the question in this case is not whether Mr. Mitchel may have committed in these publications other offences; if you think him guilty of high treason, you ought not to find him so, for you must believe him guilty of one or both of the charges made against him, or find a verdict of acquittal. The first charge is—"that he compassed, imagined, invented, devised, or intended to deprive, or depose, our most gracious sovereign the Queen from the style, honour or royal name of the imperial crown of the United Kingdom", and this was evidenced by overt act of his, namely, the publication of the different articles in the newspapers that were read for you. Now, really, I may be very dull, but I do not rightly comprehend that part of the act of Parliament, or the meaning of the words—"to depose the Queen from the style, honour or royal name of the imperial crown of the United Kingdom". I can understand deposing the Queen from the throne perfectly well. I can understand an attempt made on the life of the Queen, perfectly well, or expelling her from her dominions; but I do not, for the life of me, know what it is to depose her "from the style, honour, or royal name of the imperial crown of the United Kingdom". If Mr. Mitchel was indicted upon another section of this statute, for "intimidating both, or either, of the houses of Parliament", I could understand the evidence here as applicable perhaps if it were alleged that by so doing he got them to pass an act to increase the Irish representatives from one to two hundred, but I cannot understand this charge, for notwithstanding that he did so, the Queen would not be affected in the least "in the style, honour or royal name of the Imperial Crown of the United Kingdom"; she would be still as she is, and have the same title. I am not accusing the Attorney-General of a blunder in drawing the indictment, for he has followed the act, but we must have acts of Parliament, that we can understand; and I defy any man to understand what it is to deprive her Majesty of the style, honour, and royal name of the imperial crown of the United Kingdom.

The importance of this consideration would appear from the first section in the article, which declares—"That from the 1st of January 1801, the Kingdom of Great Britain and Ireland shall be forever united by the name of the United Kingdom of Great Britain and Ireland, and that the royal style and title appertaining to the imperial crown of the United Kingdom, and all the armorial bearings, &c shall be such as his Majesty, by his royal proclamation under the great seal, shall appoint". Now, I can understand anything done to deprive the Queen of her title of sovereign of the United Kingdom; but as I said before I cannot understand depriving her "of her style, honour, and royal name", as laid in this indictment. What the deprivation is I cannot comprehend—therefore I cannot understand this charge against the prisoner.

What is the other charge? It is "advising or intending to levy war against her Majesty, her heirs or successors, living in any part of the United Kingdom, by force or constraint, to compel her to change her measures or councils". What measures? What councils? Is there the slightest evidence here as to what measures or councils these publications purported to change? Are you, gentlemen, as a jury, to grope in the dark?

Are these publications calculated to force the Queen to alter her measures with France or America, or any other country on the face of the earth?

What the measures are the prisoner wants to change, I cannot understand. What have been the measures of this session of Parliament for the improvement of Ireland? The poor law. That is the only measure I know of, and has Mr. Mitchel endeavoured to change it? Not in the least; therefore I ask my learned friend, the Attorney-General, or the gentleman who will follow me for the crown, to tell you, on your oaths, what course or measures it is my client has endeavoured, "by advising the levy of war", to force the Queen to change.

I should be glad to hear, even now, if the Attorney-General would condescend to inform me. I have no objection to let him mend his speech, if, by doing so, he can tell you any measure or council Mr. Mitchel endeavoured to compel her Majesty to change by trying to levy war. Gentlemen, this is a criminal case, and it is incumbent on those who make the charge to prove it as clear as light—to prove a specific offence under the statute. The crown, I admit, have done all they could—they have followed the act of Parliament; but they have not proved that Mr. Mitchel has tried to levy war against the Queen, "to compel her by

constraint to change her measures or councils". I put it to your lordships that, under this act, unless the crown prove a specific measure or council that the prisoner wanted to have changed by these publications, he is entitled to an acquittal; and therefore I apply myself further to the case—I would wish to have your lordships' opinion on the subject as to what is to be left to the jury. If your lordships do not wish to interfere at this stage of the trial, I will, of course, proceed—

Baron Lefroy—Whatever the charge is appears on the record, and the court will refer to it.

Mr. Holmes, in continuation, proceeded to observe—Will the learned gentleman tell the jury what measures—what councils are those laid in this act of Parliament which Mitchel has conspired against, and upon which, if you convict him, he will be transported for life? Will he leave the jury in that state of uncertainty; and if he does not think otherwise, it will be my duty to go fully into the case. It is not my duty here to tell you, gentlemen of the jury—and if I did you would not believe me—that there are very strong expressions used by my client in these publications. There are, and he avows them, and many of these expressions I also avow, and I want to try this case of felony between the crown and the accused which I cannot do without calling your attention to something of the history and the present state of Ireland, and with that view, I tell you, in the first instance, that Ireland is an enslaved country. A great mistake is entertained by many persons to the effect that there cannot be slavery—that no man can be a slave unless he be in chains, or subject to the lash of the planter like the negroes; but the slavery of which I speak is the slavery of the people, which consists in this, that they do not make their own laws themselves—that they do not make the laws by which they are governed, but that those laws are made by others, and I say it boldly, that a people so circumstanced are in a state of slavery.

Baron Lefroy said the court were very reluctant to interpose, but the course pursued by Mr. Holmes was calculated to embarrass them in the situation they occupied, by introducing objectionable matter, to which, if they did not express their dissent, it might make them liable to the imputation of having approved the line of argument advanced by Mr. Holmes.

Mr. Holmes—I am the last man to press upon the court that which I had not a right to do; and I think it impossible to do justice to my client without doing justice to Ireland also (*loud cheers*).

Baron Lefroy called upon the Sheriff to give orders that persons who would create disturbances in the court should be taken into custody. The learned Baron commanded that the person who would commit such a breach of public decorum would be instantly reported to the court, and it would be his duty to commit him.

Mr Holmes—The act of Parliament under which Mr. Mitchel stood at the bar does not prescribe one punishment—it might be for two years imprisonment, or seven years transportation, or transportation for life—and if there should be a verdict of conviction, is it not important to show all the circumstances of the case, and the provocation under which my client has acted in those publications? I think it quite essential to his case, and with that view, the line I have prescribed for myself is quite necessary for his defence. My client may be guilty of felony, but I say it broadly and boldly, that England is the cause of the offence of which he is accused, and I will demonstrate it. I care not by what means you have been empanelled, I address you because I believe you to be honest men and faithful Irishmen. Take nothing from me; I will state upon high authority:— "what does the liberty of a people consist in? it consists in the right and power to make laws for its own government. Were an individual to make laws for another country, that person is a despot and the people are slaves. When one country makes laws for another country [and that England is making laws for Ireland, I will demonstrate, by which Ireland is enslaved], the country which makes the laws is absolutely the sovereign country and the country for which those laws are made is in a state of slavery". I give that upon the authority of an Englishman—an honest man in his day—Blackstone.

And what does he say? In constitutional questions he will not be suspected or accused of being too much in favour of popular rights, he says:— "It follows from the nature and constitution of a dependent state, that England should make laws for Ireland"—(treating Ireland as a conquered country)—"Conquered, planted, and governed by England, it might be necessary that it should be subject to such laws as the superior state thinks proper to prescribe". In speaking of this country, Ireland, he (Blackstone) maintained that because Ireland had been a conquered country in his days, Ireland of the present time and for pos-

terity forever should be bound by such laws as the conquering State thinks proper to make for her. Accordingly, England, except for a period of eighteen years, did make laws for Ireland.

There was a celebrated statute, called "Poynings' law" passed in the reign of Henry the Seventh, by which it was enacted by the English Parliament that the Irish Parliament should not have the power to pass any law for Ireland, unless it was first approved by the King and Parliament of England, and at a later period, in the reign of George the first, an Act was passed declaring expressly in words that England alone had the right to make laws for the government of Ireland, so that England, by that law declared that no law could be passed for Ireland, unless they permitted it; but that the English Parliament alone had the power to make those laws. I question will the able lawyer, who in the course of his eloquent address, put questions to me, deny the accuracy of what I state. Let him controvert it if he can—that down to the present time Ireland has been deprived of the powers of making laws for herself.

It happened that some years after that a body of men appeared in Ireland—armed men—the glorious Volunteers of 1782. At that time the Parliament of England for a while did justice to this country—They repealed that Act of Parliament and declared solemnly by that Act passed in 1783, and from that period England announced that Ireland had the power to make her own laws, and that the King, Lords and Commons of Ireland, and no other, had power to make laws to bind Ireland. After that solemn act, in eighteen years—in less than twenty years—the act of Union was carried. By that act of Union Ireland is said to be represented in the English Parliament by one hundred members, whilst the English Parliament is composed of five hundred—five members to one.

Does Ireland—will the learned and able gentleman, the Attorney-General, now say that Ireland makes laws for herself? There never was, in the history of nations, so flagrant an act as the passing of that act of Union in this country. What was the Irish Parliament then chosen to do? To make laws, the ordinary laws, and it had no more right to delegate its powers for that purpose—it had no right to surrender the solemn obligation committed to its charge by the people—to conspire with the English Parliament to annihilate itself—than I had. What would have been said of the English Parliament should it delegate its authority to make laws for England, or to change anything at present existing, and make an absolute state? She would have just the same right to do so as the Irish Parliament had to destroy itself; and I say it boldly and broadly, as a man, that the act of Union is only binding as a thing of expediency. Men will often submit to a certain order of things rather than own the risk of subverting, by force of arms, the state of things as established. No man, upon slender grounds, should endeavor to subvert the order of things; but it is the right of an enslaved country, and the laws of Providence approves the right to arm and right itself. What man here would live—

Baron Lefroy—Mr. Holmes, we cannot listen to this. You teach those doctrines to the people, for the publication of which the prisoner stands at the bar. We cannot suffer the case of the prisoner to be put to the jury founded on the subject of Repeal of the Union by force of arms.

Mr. Holmes—I will make it appear by the conduct of England, and with respect to this very question of Repeal, that England has been the cause of the present state of this country. The English Ministry, by this very question of Repeal has brought this country into the unfortunate state in which it now is. By their duplicity on this question they are the guilty persons, and not my client. On this question with respect to Repeal, it has been agitated for several years in this country. Mr. O'Connell, whose powers of mind and great popularity we all know, bearded the Whigs and the Tories for years on this very question, and, at the same time, the government were determined that the measure should never pass. They had declared it should not pass—that they would prefer a civil war, and yet that same government suffered Mr. O'Connell to agitate that question for years. Was that weakness, or guilt, or both? In the year 1831, I believe there was a Whig ministry then in power, Lord Althorp said, in reference to Repeal—"It is not evident that Repeal must produce a separation of the two countries. I trust that those persons engaged in a course so dangerous to the peace and prosperity of the country, will not succeed; but if they do, it must be a successful war, and I know that most of my countrymen [meaning the English] feel assured that such an event would be attended with complete success"—that is, Lord Althorp's countrymen would vanquish the Irish, and prevent the Act of Union from being repealed. He stated that the repeal of the union would end

in separation—that he would prefer a civil war, and his countrymen would be victorious in that war, and after that declaration was made, the present prime-minister and his colleagues suffered that question to be agitated in this country, in the manner we all know. I say if it were an honest resolve and that Repeal would lead to separation—that he preferred civil war rather than suffer the Act to be repealed—they should pass an Act of Parliament making it high treason to attempt to repeal the Union. That would be a bold step, I admit, which no man could justify, but it would be an honest, open, and a bold one. We could have understood the thing; but they suffered the man to be entrapped into what they now complain of. They permitted a struggle for Repeal, while they themselves were parties to and they continued the agitation of a measure which they asserted should end in separation, and their last act is the prosecution of an unfortunate Irishman for agitating the question. It might be asked, was there any prosecution for that? There was a prosecution; they all knew the fate of that prosecution, and that it ended in the defeat of the crown.

Mr. O'Connell survived it—he gave the agitation a magic meaning—he called it—"moral force" and was suffered to agitate the question which he did to the last hour of his life, in this country. But, although the Whig government foresaw that if granted, it must end by separation, they made no law against attempting to repeal it. Nay, more, they restored Mr. O'Connell, the head and leader of the agitation, and several other Repealers besides, to the commission of the peace and yet now they said it is an offence under this new act of Parliament to deprive the Queen of the style, title, and royal name of the imperial crown. He [Mr. Holmes] would say and every man must agree with him, that the very government that had instituted this prosecution had been themselves the greatest cause of bringing this country into the wretched state in which it is. His client might be statutably guilty, but he believed they were morally guilty. It was laid down distinctly by Blackstone, (Vol. I, page 147), that the people had a right to have arms and to use arms against oppression. He was not wantonly or wildly broaching doctrines of his own, but was addressing them on constitutional grounds and principles; and could refer to high authorities and historical facts in support of every word he uttered. They found this doctrine of Mr. Mitchel and of others was condemned by the high and the wealthy. There are men—and they are chiefly to be found in what are called the better ranks of society—excellent men—religious men—moral men—kind men—and if all mankind were like them, they would have no such thing as liberty in the world. Peace in their time is their first prayer; and their highest aspiration, to enjoy the good things of this life. They were consoled for the misfortunes of others by the reflection, that the sufferer here is only in a state of trial, on his passage to another world—that other world where the tyrant must account for his oppression and where the slave will be relieved from bondage.

Oh, Ireland! Ireland! Ireland! thousands, and thousands and thousands of thy children have for ages been obliged to look to that other world alone for a release from their destitution. From past times let them turn to the present time, and what did they see? An Attorney-General—an able lawyer—under a special commission a most successful prosecutor. Death had followed his footsteps and it was asked, ought not the assassin to suffer for his crime? Yes, but in the history of the civilized world, and of free nations, has there ever yet been a nation of assassins? No; assassination is the crime of the untutored savage, or the brutalized slave. Was the assassin to suffer for his crime? Yes; but deep, deep, deep was the guilt of England in its unprovoked invasion and unjust dominion in Ireland. At the close of seven centuries of wasting wars—wasting laws and still more wasting policy—it was found necessary to maintain that dominion in Ireland by special commissions, state prosecutions, and military force—by the gibbet, by the gaol, and by the sword. He [Mr. Holmes] had heard much in praise of the present Chief Governor of this country, and it was neither his province nor his wish to say one word in derogation of his name; but this he would say, that were that noble lord the best of the good—were he the wisest of the wise—were he the bravest of the brave—he could not long maintain a connection between Great Britain and Ireland, under a common crown, by the gibbet, by the gaol, and by the sword—the laws of eternal justice forbid it. How was that connection to be maintained? By justice—by giving to Ireland her rights—her rights by nature, her rights by compact—by giving to her her own Parliament, truly representing the interests of the people. By giving to Ireland that, they might have the two countries united for ages under a common sovereign, by a community of interests and an equality of rights—by mutual affection and reciprocal respect; but if for that was substituted a connection founded on the

triumph of strength over weakness, they would have jealousy, and distrust, and fear and hate, and vengeful thoughts, and bloody deeds, the sure and never failing proofs of injustice.

Let them give to Ireland her own Parliament—not the Parliament of '82—that was a meteor light which flashed across the land—it was a deceptive vapour, which quickly vanished. Ireland wants a fixed star, bright and resplendent—the cordial influence and reflecting radiance of which may be seen and felt in the glorious union of liberty, happiness, and peace; but it was urged that if they did that—it would lead, as Lord Althorp had said, to separation and that Ireland would be erected into a separate independent state. And suppose it did, who was to blame for that? England! What right had England—what right had any country—to build and peril its greatness upon the slavery, degradation, and wretchedness of another. Let them strip the case of this disguise with which ambition and crime, and the love of power had invested it, and of what the sophistry of conquerors and princes, and courtiers and lawyers has cast around it—what then was it? A strong man because he is strong, insults his brother man, because his brother man is weak—the slave struggles to be free and the enslaver kills him because he struggles. That was British conquest and dominion in Ireland—that was British legislation in Ireland. He called upon the jury, in conclusion, as they valued their oaths, and as they valued justice and public good, manly bearing and personal honour, and as they loved the country of their birth, to find a verdict of acquittal.

Mr. Mitchel was found "Guilty".

The only person unmoved during this fearful moment was the prisoner. Tears filled the eyes of all present. The sobs of the ladies were painfully distinct; while not a shadow passed across the calm, stern, noble features of the "felon". When the verdict was heard, many gentlemen, some of them members of the bar, rushed forward to shake hands with him whom they saw, perhaps for the last time. Lefroy called them to order, and expressed his astonishment at their having forgotten themselves so far. Heartless administer of demon law.

At the head of the editorial column appeared the following—

JOHN MITCHEL

DUBLIN, Friday night
26th of May 1848

At seven o'clock this evening a deliberately and surely packed jury pronounced against John Mitchel, the verdict of GUILTY.

On tomorrow morning the vengeance of his assassins will be in solemn sentence passed upon him, in the dock in Green-street.

I can write no more.

T. DEVIN REILLY.

That night the police seized the printing office, destroyed the type and the printed edition of the paper for the following day.

The paper again appeared as "The Irish Felon" on the following June 24th, 1848. It was again seized and destroyed on July 28th, 1848.

The "Irish Tribune" was first issued June 10th, 1848, to be in working order in case "The Felon" was seized, which was done by the government July 8th, 1848, and it was not again issued in any form.

In "The Irish Tribune", June 17th, 1848, appears probably the last portrait ever taken of Mr. Holmes, together with a sketch of his life, in which the following summary is given and in part as appeared in the official report of the trial of John Mitchel:—

And now let us come to that last scene in which he acted so glorious a part—let us look at that old man—the spirit of the past—of the men of '98, defending their noble representative in our days, John Mitchel, and in words like voices from their tombs, hurling defiance at his assassins, and the words were these:—

My lords, I think I had a perfect right to use the language I did yesterday. I wish now to state that what I said yesterday as an advocate, I adopt today as my own opinion. I here avow all I have said; and perhaps under this late act

of parliament, her Majesty's Attorney-General, if I have violated the law, may think it his duty to proceed against me in that way. But if I have violated the law in anything I said, I must with great respect to the court, assert that I had a perfect right to say what I stated; and I now say in deliberation that the sentiments I expressed with respect to England and her treatment of this country are my sentiments, and I here avow them openly.

The Attorney-General is present—I retract nothing—these are my well-judged sentiments—these are my opinions as to the relative position of England and Ireland, and if I have, as you seem to insinuate, violated the law by stating these opinions, I now deliberately do so again. Let her Majesty's Attorney-General do his duty to his government; I have done mine to my country.

The spirit of Thomas Addis Emmet was in this manly defiance, who in defending an United Irishman of '98 for administering the oath of the society, terminated an able and impressive address to the Jury as follows:— "My lords here in the presence of the Being that sees and witnesses, and directs this judicial tribune—here my lords, I, myself in the presence of God, declare I take the oath". He then took the book that was on the table, kissed it, and sat down.

We have now concluded our brief and imperfect memoir of Robert Holmes, and only wish that, as we could not do him justice, we have not done him wrong. May his noble and self-sacrificing career, his enthusiastic love of country, and manly bearing long serve as an example to his countrymen.

The uncivil kerns of Ireland are in arms.
Shakespeare, 2 Henry VI.

"STEP TOGETHER".

Step together—boldly tread,
Firm each foot, erect each head,
Fixed in front be every glance—
Forward, at the word "Advance"—
Serried files that foes may dread;
Like the deer on mountain heather,
Tread light,
Left, right—
Steady, boys, and step together!

Step together—see each rank
Dressed in line, from flank to flank,
Marching so that you may halt
'Mid the onset's fierce assault,
Firm as is the rampart's bank
Raised the iron rain to weather—
Left, right—
Proud sight!
Steady, boys, and step together!

Step together—be your tramp
Quick and light—no plodding stamp.
Let its cadence, quick and clear,
Fall like music on the ear;
Noise befits not hall or camp—
Eagles soar on silent feather;
Tread light,
Left, right—
Steady, boys, and step together!

Step together—self-restrained,
Be your march of thought as trained.
Each man's single powers combined
Into one battalioned mind,
Moving on with step sustained:
Thus prepared, we reck not whether
Foes smite,
Left, right—
We can think and strike together!

MICHAEL BARRY.

Marching song of the Volunteers of 1782, reprinted in the "Nation"—1843.

Index

Absenteeism, "Montanus" on II-413
Act of Union. *See* Union, Anglo-Irish
Addis family I-164; of Cork I-163n
——, Fenton I-164
——, James, of Durham, Conn. I-164n
——, Samuel I-164n
——, Thomas, of Cork I-163
——, Thomas of Durham, Conn. I-164n
——, Thomas, of Westbrook, Conn. I-164n
"Address to the Irish Nation" I-272
"Address to the People of Ireland", by Miss Emmet II-313; text II-571-78
Adet, Pierre-Auguste, French minister, and Tone I-138; 139
Aerial acid, T. A. Emmet on I-203; II-363
"Agricola", pseudonym I-234
Aherne, physician I-365n
——, Captain John I-356n; and Daendels I-356; and Emmet I-356
Air-ship, early invention I-237
"Albion", on Emmet, T. A. I-487
Aldwick, Katherine. *See* Emet, Katherine Aldwick (Mrs. William).
Alexander, ——, T. A. Emmet's examination II-467
Algar, Earl of the East Saxons II-350
Alien Act, American I-412; and State prisoners of '98, I-411
Alien Bill in Ireland I-99; 112
Alienism, American legislation I-404; Bar, admission to I-395; and benefices I-397; and corporations I-396; 397; disabilities I-396; Emmet on I-414; and landed tenure I-397; and office I-395; 396; 398
Allegiance, oath of, England, and alienism I-396
—— oath of, United States, and army I-397; 398; and office I-399
Allen, Mrs. Frances, bequest to II-342
——, John, at Astorga II-306; and Byrne II-74; and Emmet, Robert II-39; 70; escape II-97; in Irish Legion II-305; and MacCabe II-75; and Rebellion of 1803, II-x; 96
Alliburn, Joseph, and Emmet, Robert II-39
Althorp, John Charles Spencer, Viscount, and Repeal II-584
Amboy, N. J., Emmots I-154
"American", New York, newspaper, T. A. Emmet's illness I-472; T. A. Emmet's death I-472; on T. A. Emmet memorial inscription, "U. S. F." letter I-536; letter on T. A. Emmet monument, proposed location I-537; 538
American Catholic Association, and Emmet monument I-533
"American Citizen", newspaper I-421
American-Irish Historical Society, and Neilson's grave I-231
American War. *See* Revolution, American
Amiens, Peace of, Cornwallis on II-27; and State prisoners of '98, I-338; and United Irishmen I-341
Ancient Britons, outrages I-226
——Order of Hibernians, and Neilson's grave I-231
Anerville, Clonmel I-560
"Anti-Union", periodical, R. Emmet's poem in II-13n; 17
Antrim, town, battle I-255; 257
——, County of, Catholic refugees I-143; and Fitzwilliam's recall I-129; Rebellion of 1798, I-257; United Irishmen I-132; 133; 400
Ants, in Emmet arms I-150
Appeal of the People of Ulster I-232
"Appeal to the Public", by Tandy II-230n
Appendix II-335
Arbour Hill, Dublin II-15n
"Arbour Hill", poem by R. Emmet II-15
Archer, Alice Emette II-345
Arcularius, Philip, libel suit I-420; 421; Emmet's summing up II-509-13
"Argus", newspaper I-346n; 371; 386; Robert Emmet's speech I-375; United Irishmen, attack on I-379; 380; 388
Aristocracy, Irish "Montanus" appeals to II-438; 439; and the peasantry II-434; 435; and reform II-430; 434; 439; responsibility II-436; ruin threatened II-440; and Union II-440
Arklow, battle I-250; 257
Armagh, County of, Catholics banished I-142; 143; II-451; Orange outrages I-142; II-447; 451; 457; religious disturbances I-140
Arms, heraldic. *See* Coat-of-Arms
Armstrong, ——, Miranda expedition II-502
Army, British, Connaught outrages II-565; Irish members I-76; and United Irishmen I-245; 381
—— French, Irish Legion I-383; 385; 386
—— United States, and Alienism I-397
Army Act, and alienism I-397
"Art of War, Treatise on", Emmet's copy II-187
Asgill, Sir Charles, and Marsden II-101; 103; 104
Ashe Street, Dublin, in Emmet's "Plan" II-55
Ashley, Joseph, grand juror, Emmet trial II-145

Assault, Hawk's definition II-538
Assassination, in Irish jails II-483; United Irishmen charged with II-447; 458
Assembly, popular right of, infringement of I-61; unlawful, prohibited I-110; of Volunteers, prohibited I-107
Astor, John Jacob, and T. A. Emmet I-474; Emmet monument subscription I-551; and Morris estate I-471
Astor case, and Col. Barclay I-471; and Judge Egbert Benson I-471; and T. A. Emmet I-474; 496; 509; and Jackson I-471; and Governor Livingston I-471; and Mary Morris I-471; and Roger Morris I-471; and D. B. Ogden I-471; and Joanna Philips I-471; and Van Buren I-471; and Webster I-471
Astorga, storming of, Allen II-306
Astor House Riot I-467n
Attorney, status I-395; 396; 398; 399
Aubry, Louis-François, Emmet, Thomas Addis, miniature of I-Frontispiece
Augereau, Pierre-François-Charles, and Emmet, Robert II-25; and Emmet, T. A. I-380; 388; and Irish expedition I-372; 373; 376; 379
Aungier Street, St. Peter's Church, Mrs. Emmet's burial II-233n
Aylmer, ——, and Marsden II-102; Rebellion of 1803, information concerning II-102

Bache, Eliza. *See* Schmidt, Eliza Bache
Bagot, Captain, United Irishmen, massacre of I-255
Bagnall, Mrs. Rose, and "Devil's Brief" II-147; and Doyle II-194; Emmet trial, evidence II-194; 212; and Emmet flight II-165; 204
Bagwell, William, and Union II-314
Baillie, J. H., Major, Fort George I-273
——, Margaret, legacy II-342
Bakercron, Emmet estate II-342
Baldwin, Henry, Emmet's letter to I-429
Ball, C., Brady cross-examined by II-191
Ballinahinch, battle I-255; 257
Ballydoune (Ballydowney), Mason estate II-260; 342
Ballyea, estate II-342
Ballyellis yeomanry, and Emmet, T. A. II-61; and United Irishmen II-61; and White, Sir J. J. II-61
Ballykeine (or Bally Kline), Emmet estate II-339
Banishment Act, Irish I-314; 410
Bannan, James, and Rebellion of 1803, II-86
Bantry Bay, French invasion I-320; II-451; 462; 467
Barclay, Colonel, and Astor suit I-471
Barnett, Thomas, and Emmet's grave II-291; Trevor vault, drawing of II-296
Baronial Committee, of United Irishmen I-134
Barracks, Dublin, attack planned II-75
Barrack Street, Emmet's journey to the gallows II-236
Barrington, Sir Jonah, on Camden I-216; and Norbury II-87; on Dean Swift I-231
Barry, Col., and Union II-314
——, Michael, poem "Step Together" II-588
Bartlett, Submit, marriage I-164n
"Battalion of Testimony" II-148; Doyle II-116; Fox II-148n; pitch cap II-148; Sirr II-148
Bayonne army I-369; 371
Beach Street, New York, Emmet residence I-438
"Beauties of The Press", published I-236
Begg, John, and Rebellion of 1803, II-40
Belfast, Catholic Committee I-226; Catholic petition I-86; Orange outrages II-447; secret societies, patriotic II-446; United Irishmen I-82; 118; 133; 243; Volunteers I-81; 89; II-446
Bell, Hugh, and O'Connor II-308n
——, Justice, and Devlin, Anne II-33
Bellew, Christopher, Catholic petition I-93
Bennet, ——, lawyer for insurrectionists II-78
Benson, Egbert, and Astor suit I-471; and Emmet, T. A. I-478
Bentinck, William Henry Cavendish, 3rd Duke of Portland. *See* Portland
Beresford family I-218; British allegiance I-127; dismissal of I-122; and Fitzwilliam I-510; and Toler (Lord Norbury) I-510; and Whigs I-120
——, John Claudius, and Emmet, T. A., examination II-467; and Union II-313
——, Marcus I-124; 218; and Clare I-217; and Fitzwilliam I-121; 127; 217; and Tone I-117; 267
Beril, Alice. *See* Emmot, Alice Beril (Mrs. Joseph)
—— Street, Dublin, in Emmet's "Plan" II-558
Bernadotte, Jean-Baptiste-Jules, and Irish expedition I-362; 374
Berney, Michael, ammunition saved by II-74; and Byrne II-73; 76; 77; and Emmet, Robert II-71; in hiding II-76; and Hope II-71; and Redmond II-78; and Russell II-71; Ulster, mission to II-71
Berthier, Alexandre, French minister of War I-340n; and Byrne I-368n; II-80; and Emmet I-340; 345; 349; 351; 353; 354; 356; 358; 359; 363; 364; 375; 376; Emmet's letter to I-373; 374; 380; and Irish expedition I-341; 343; 352
Bigger, Francis Joseph, and Brocas portrait II-256; and Emmet, Robert, grave II-284; on Petrie's portraits of insurrectionists II-256
Bishops, Catholic. *See* Hierarchy, Catholic
Blackstone, Sir William, on Ireland II-583; and Irish subjugation I-47; on liberty, national II-583; on right of conquest I-48
Blackwood, Hans, grand juror, Emmet trial II-145
——, Hans, Marquis of Dufferin. See Dufferin

Blackwood, Mehetabele Temple I-177; 300n; trust for II-344
Blake, Henry, reward II-261
Blaquiere, John, Baron de, and Catholic relief I-126; militia I-114
Blennerhassett family, and Emmets I-175; misfortunes I-445
——, Avis Conway (Mrs. Robert) II-361
——, Catherine. *See* Loughlin, Catherine Blennerhassett (Mrs. Richard)
——, Dominick I-422
——, Harman, and Alston I-407; and Burr, Aaron I-407; and Emmet, T. A. I-406; 407; 422; 454
——, Mrs. Harman, and Emmets I-455
——, Harman, Jr. I-455n
——, Robert II-361
Bloomfield, Emmet residence II-31
Bloomingdale, New York I-456
Bloxham, Mark, grand juror, Emmet trial II-145
"Bolingbroke", pseudonym I-231
Bonaparte, Joseph, and Cornwallis II-27
——, Napoleon. *See* Napoleon
Bond, Oliver, arrest I-247; 507; and Brissotins I-115; death I-254; 318; Government compact I-253; imprisoned I-102; and Reynolds I-507; satirical verses on I-327; trial I-258
Bonham Street, Emmet outbreak II-111
Bonneville, and Emmet, T. A. I-361; 363; 365; 369
——, Madame, Emmet's letter concerning I-426
Borlase, Sir John, lord justice of Ireland I-14
Boroughs, representation in Grattan's Parliament I-58
Botha, Mrs. General, ancestry I-159
Bourne, Captain, and Lisburn outrages I-106
Bowdoin family, and Temples I-177; II-351
——, James, Emmet's letter to I-394
Bowes, Susannah, legacy II-342
"Bowers", alias of Delany, Malachy II-25
Bowling Green, New York, and Emmet monument I-537; 538; 544n
Boyce, John, and Turner, Samuel I-338; 339
Boyne, Battle of, and Irish Catholics I-506; and William III I-506
Brady, Felix, lieutenant, and "Devil's Brief" II-147; and Dublin mob II-86; Emmet trial, evidence II-190
Branagan (Brangan), and Emmet, Robert II-39; 71; and Irish legion II-71; patriotism II-71; and Pigeon House II-47; 71
Brereton, Margery. *See* Patten, Margery
——, William I-220
Brest, armament I-341; 348; 362; 369; 372; 373; 380; 383; 384; 387n
Bribery, in Ireland II-426
Bride Street, Dublin, in Emmet's "Plan" II-558
Bridgefoot Street, depôt II-47; 104; T. A. Emmet's letter found II-118; R. Emmet's execution II-226; Emmet's journey to the gallows II-236
Bridge Street, Dublin, in Emmet's "Plan" II-558
Bristow, Mr., sovereign of Lisburn I-105
Britain. *See* England
Brocas, Henry, Emmet portrait II-256; 257; 258; 259; 328; (ill.) II-facing 256; 258; Government employ II-257
"Broken Heart, The", by Irving II-262; 268
Brophy, Daniel, Hardwicke, memorial to II-37; Kilmainham investigation II-491; 493
Brougham, Lord, on George IV, funeral of I-532
Browerre, Emmet, T. A., bust of I-482; 535
Brown (Browne), Colonel, body found II-111; death II-86; 103; 104; II-110; death, Lewin on II-305; slayer, reward for discovery II-111
Browne, Elizabeth. *See* Emmet, Elizabeth Browne (Mrs. William)
——, John, father-in-law of William Emmet I-151
Bruix, and Irish expedition I-369
Bryant, William Cullen, on T. A. Emmet I-493; and "Evening Post" (New York), I-493; 494n
Buchanan, James (President), Emmet's speech II-214
——, Beaver, Emmet juryman II-157
Buckingham, George Nugent Temple Grenville, Marquis of, Viceroy of Ireland I-176; Grenville, letter to I-312; "Montanus" on II-395; 407
Buckingham and Chandos, Dukes of, descent II-350
Buckinghamshire, John Hobart, 2nd Earl of, Christopher Temple Emmet's poem inscribed to I-195
——, Robert Hobart, 4th Earl of. *See* Hobart
Bulgadeen (Bulgadin, Bulgadineedy or Bulgadmeedy), Emmet estate II-338; 339
Bullen, Susan Emmet II-345
Buller, Sir Redvers, and Dublin Castle system II-261
Bulls' heads, in Emmet arms I-150
Bully's Acre, Dublin, Emmet's burial II-259; 288; 292
Burgh, Hussey II-39
Burke, Sir Bernard, on Emmet family history II-337; on Emmet habitat II-337; and Emmet papers in Dublin Castle II-243; and R. Emmet's memory II-244; and Emmet, T. A., M.D. II-243; II-244; and Holmes' arrest II-318; on Mrs. Holmes, death of II-230n; and Irish State papers, 1798-1803, II-244; Pitt and Rebellion of 1803, II-94; 244; 251; on Union, methods of carrying II-244
——, Edmund, and Catholic disabilities I-120; and Edkins collection I-195; Emmet compared with I-537; and Fitzwilliam I-120
——, John, State prisoner II-492
Burr, Aaron, and Blennerhassett I-407;

and Emmet I-142; and Hamilton I-556; and Ormsby, Stephen I-142
Burrage, Elizabeth. *See* Emmet, Elizabeth Burrage
Burrowes, Peter, absent-mindedness I-194; and Emmet family I-176; on Emmet, Christopher Temple I-194; on Emmet, Robert, character II-215; Emmet, Robert, trial II-157; 197; 200; 215; 216; and Emmet, T. A. I-156; 163; 214; 512; Fleming's testimony II-175; 176; 178; 179; Frayne's testimony II-173; 174; Knox, letter to II-247; and Marsden II-247; political opinions I-409; Rawlins, cross-examination of I-172; and Rebellion of 1803, II-247; Tyrrell's testimony II-172; and Wickham II-247; Wilson cross-examined by II-189
Burston, Beresford, and Catholic Committee I-89
Burton, Counsellor, Emmet's request for II-125
Butler, Elizabeth, legacy II-342
——, Simon, and Brissotins I-115; and Catholic Committee I-89; Digest of the Popery Laws I-87; imprisoned I-102; Rowan case declined I-207; Tandy case I-207
Butterfield Lane, Robert Emmet's residence II-36; 45; 70; 160; 172; 173; (ill.) II-facing 45; "Devil's Brief" II-146; Devlin, Anne II-35; Emmet leaves II-160; M. Frayne's testimony II-174; Hamilton at II-309; Quigley at II-309; Russell at II-309
"B. W.," on G. Dunn, letter to "Times" II-137
Byrne, ——, United Irishman, execution I-258
——, Darby, and Emmet, R. II-65; and Patrick Street explosion II-72; and Rebellion of 1803, II-65
——, Edward, Catholic petition I-93
——, G., State prisoner II-495
——, Garrett I-350n; in England I-350
——, Hugh, State prisoner II-493
——, James, and Rebellion of 1803 II-40
——, John, and Home Rule election funds II-329; 330
——, Michael. *See* Byrne, Miles
——, Miles, and Allen, John II-74; and arms, preparation of II-65; and Berney II-71; 73; 76; 77; and Berthier II-80; at Bordeaux II-80; and Brangan II-71; Castle, plan of attack II-75; 280; and Cloney II-67; and Condon II-63; 74; and Dalton II-80; and Darcy, William II-75; and Doyle II-66; 71; 74; and Emmet, Robert I-368n; II-39; 60-64; 66; 67; 69; 72; 74; 75; 77; 78; 80; 81; 277; and Emmet, T. A. I-342n; 368; II-60; 61; 80; 87; 219n; on Emmet, T. A., and O'Connor I-357n; and Evans, Hampden II-80; and Fitzgerald, D. II-80; and Ford II-76; France, mission to II-60; 79; on Gibbons I-359n; in hiding II-76; on Irish independence II-79; and Johnstone II-83; and Kavanaugh II-76; and Kennedy II-62; 76; and Kildare men II-74; and Lawless II-307n; and Lewins I-376n; and Long II-77; 78; 80; on McCabe I-346n; II-75; and Mrs. McCabe II-77; 78; and Macneven II-80; on Markey I-371n; memoirs I-346n; II-60; 61; and military depôts II-47; and Noms II-83; on O'Reilly I-373n; and Miss B. Palmer II-62; Paris residence II-80; and Patrick Street explosion II-72; 100; portrait II-facing 60; and Quigley II-74; Rebellion of 1798, II-60; 61; and Rebellion of 1803, I-346n; II-x; 54; 60; 61; and Rourke, Felix II-74; and Russell II-70; and Mrs. Toole II-76
Byron, Lord, on Emmet's speech II-228

Cahercrolin, Mason estate II-360
Cahill, Mrs., and Emmet's decapitation II-239
——, Patrick K., and Emmet's decapitation II-239
Caldwell, John, and Emmet monument I-497; 551
Calender family, and Emmets I-449
Camden, John Jeffreys Pratt, Earl of, Viceroy of Ireland I-129; 226; 510; II-227; Barrington on I-216; Falkiner on I-217; "Montanus" on II-399; 414; Moore on I-226; and Orangeism II-246; and Pitt I-216; and United Irishmen I-244
Camden Street, Dublin, in Emmet's "Plan" II-558; Lewis's school II-4
Campbell, ——, Scotchman, and Emmet, R. II-64; and Emmet, T. A. II-64 and Irish legion II-64
——, Ann, daughter of Anne Devlin II-38
——, Anne Devlin. *See* Devlin, Anne
Caniffe, James J., and R. Emmet's last verses II-241; Sullivan, F. J., letter to II-241
Canning, George, and Norbury II-88
Capel Street, Dublin, in Emmet's "Plan" II-558
Capon Garon (Cappanagarron), Tipperary, Emet estate
Carhampton, Earl of, and Defenders I-140; epitaph I-240; "Montanus" letter to I-238
Carleton, George, Jr., grand juror, Emmet trial II-145
Carlisle, 5th Earl of, and Fitzwilliam I-119; 124
—— Bridge, Dublin, in Emmet's "Plan" II-557
Carlow, county, military outrages I-243; Rebellion of 1798, I-257
Carlton, Alderman, Emmet, T. A., arrest I-248; and Fitzgerald, Lady Anne II-90
Carrickfergus Castle, State prisoners, question of removal to I-280
Carroll, Rev. Patrick, and R. Emmet's grave II-284
Carthy, ——, and Emmet, Robert II-39; in Kilmainham II-495

"Case of Ireland" (Molyneux) I-30
Cash, Sheriff, and Byrne's concealment II-76; 77
Casino, Emmet residence I-181; author's visit to I-183; closed I-402n; Dr. Emmet's care of I-182; Dr. Emmet's death I-183; Emmet, Robert, in hiding at II-31; Emmet, Robert, bedroom (ill.), II-facing 31; and Emmet, T. A. I-185; II-225n; 327; Emmet family leaves II-44; furniture distributed I-180n; II-327; garden (ill.) I-facing 182; residence (ill.) I-facing 183; sale II-26; parlor (ill.) II-facing 30; visitors I-305
Cassin, Denis, memorial to Hardwicke II-37
Castle, Dublin, courtyard (ill.) II-facing 84; defence precautions II-103; Holmes imprisoned in II-230n; officials confer II-102
—— *plan of attack* II-75; 557; Byrne II-75; Emmet's plan II-54; 73; 75; failure, reasons of II-84; Redmond II-75; Wexford men II-75; Wicklow men II-75
—— Rebellion of 1803 II-305; System II-250; system condemned II-261; system, "Montanus" on II-398
—— Street, Dublin, in Emmet's "Plan" II-558
Castlebellingham, Tandy at I-101; II-207
Castle-Corr, Emmet estate II-342
Castlereagh, Robert Stewart, Viscount, Brocas portrait of Emmet II-258; Byron on I-531; and "Courier" libel suit I-326; and Emmet, Robert I-511; II-133; and Emmet, T. A. I-212; 264; 274; 313; 318; 510; 511; 531; II-23; 467; and Mrs. Emmet I-275; and Grattan I-344; and Irish and British interests II-549; Madden on I-532; and Mason, St. John I-511; "Memoirs and Correspondence of", cited I-411; Neilson's letter to I-414; O'Hanlon on I-531; and Parliamentary reform I-131; and Rebellion of 1803, II-58; 94; 246; Shelley on I-53; and State prisoners of '98, I-250; 251; 253; 255; 311; 312; 415; and Turner II-23; on United Irishmen I-227; Wickham to I-271; 272; 411
Catherine's Church. *See* Saint Catherine's Church
Catholics, Irish I-77; 78; Armagh persecutions II-451; arms prohibited I-545; bar, admission to I-84; 546; bishop's address I-109; and Boyne, battle of the I-506; British Governmental oppression I-506; and Catholic Establishment I-401; and church disestablishment II-468; and Covenanters I-132; and Defenders II-447; disabilities I-18; 74; II-567; and Dissenters I-77; II-446; educational disabilities I-346n; 545; Elizabethan legislation I-506; and Emmets I-213; and Emmet, T. A. I-214; and England I-79; and Fitzwilliam I-122; and Fitzwilliam's recall I-128; franchise denied I-75; and James II, I-15; 506; landed tenure prohibited I-545; lands confiscated I-100; and liberty I-79; in militia I-145; and the monarchy II-446; Montanus on II-411; and North Cork Yeomanry II-58; 58n; and Orangemen I-141; II-447; and Parliamentary reform I-108; Parliamentary representation I-66; and Peep-o-Day Boys I-141; penal laws I-13; 17; 18; 45; 74; 78; 83; 100; 223; 506; 545; persecution of I-13; prejudice against I-213; 402; Proclamation of Provisional Government (short) II-197; and Protestants I-546; II-445; and Rebellion of 1803 II-54; 111; 112; relief petition I-123; and Royalists I-14; and separation I-135; suffrage denied I-546; tithe grievance II-468; of Ulster banished I-142; and United Irishmen I-142; II-446; 447; and viceroy, office of I-546; and Volunteers I-54; 506; 547
Catholic Committee I-83; 226; attacked I-103; defence of I-104; and Defenders I-103; and education I-107; and Emmet, T. A. I-212; 463; and Fitzwilliam I-121; King, petition to the I-92; and Langrishe's Bill I-85; plea of 1791; I-84; pacific measures I-104; reorganized I-88; and Tone I-93; 117
—— Convention I-92
—— Emancipation, American sympathy I-547; Belfast petition I-86; Cloncurry II-24; and Dissenters I-80; 108; 548; Dublin petition I-123; educational relief I-107; 109; and Emmet, Robert II-85; and Emmet, T. A. I-213; 463; 533; 538; 546; 549; 557; Fitzwilliam I-122; 123; 126; 127; granted I-557; Grattan's plea I-86; Grattan's Relief Bill I-136; and Hutton I-463; and Irish Church I-548; Langrishe's Bill I-85; "Montanus" on II-399; O'Connor, Arthur I-136; and Parliament, Irish II-568; Pitt's promise II-58n; popular demand for I-320; and Portland I-123; 124; Protestant efforts for I-xiii; Protestant opposition I-66; Relief Bill of 1793 I-97; Relief Bill of 1795, I-126; Relief Bill of 1829, I-533; relief measures, Emmet's account of I-213; and Tone I-xix; 533; 547; and Union I-130; II-568; and United Irishmen I-67; 82; 114; 135; 211; 225; 243; 545; II-278; and Volunteers I-54; 79; 89; 547; Whig Club I-87; Whigs advocate I-120; and yeomanry II-408
—— Establishment, and French invasion I-401; and United Irishmen I-379
—— Rent, prohibited I-533; I-544
"Caxton, William", pseudonym I-231
Chambers, John, at Fort George I-273; and T. A. Emmet's funeral I-486; and T. A. Emmet memorial I-497; 552; and O'Connor I-336; and United Irish Committee I-378
Chancellor of Ireland, 1789-1802, *See* Clare, 1802-1806, *See* Mitford
Chanler, Alida, marriage I-450n
Chapelizod, garrison strengthened II-102

Charlemont, Lord, on Irish evils I-225; and reform I-223; and State prisoners I-250; and Volunteers I-225; 506
Charles I, and Catholics I-14; Irish policy I-13
—— II, Irish policy I-14
Charleston, S. C., Friends of Ireland, and Emmet monument I-544; surrender, 1781, I-417n
Cherin, and Irish expedition I-362
"Cherubs" I-326
Chester, Earls of, and Temple family II-350
Chichester, Thomas Pelham, 2nd Earl of. *See* Pelham
Chief Justice of Ireland, 1798-1803, *See* Kilwarden
Chief Secretary, Irish 1799-1801, *See* Castlereagh; 1802-1806, *See* Wickham
Christ Church Place, Dublin, in Emmet's "Plan" II-558
Church of Ireland. *See* Ireland, Established Church of
Churchill, John Winston Spencer, 6th Duke of Marlborough. *See* Marlborough
Church Street, Dublin, in Emmet's "Plan" II-558
Civil government, Locke's essay, R. Emmet's study of II-275; facsimile pages II-facing 278
Clare, John Fitzgibbon, Earl of, and Beresford I-217; and Catholic Emancipation I-94; and "Courier" libel suit I-326; and Curran, J. P. II-215; 267; death I-184; and Emmet I-318; epigram on I-218; and Fitzwilliam I-121; 217; funeral, Madden on I-532; headstone I-184; O'Hanlon on I-531; and Protestant ascendancy I-90; and Relief Bill, Catholic (1793) I-97; Sheares' letter to I-232; and State prisoners of '98, I-251; 255; 311; 313; Tandy's suit against I-207; and Tone I-267; 270; and United Irishmen I-244
Clarke, ——, cotton manufacturer II-102
——, ——, magistrate II-56; 103
——, Anne Emmott (Mrs. Ferdinand) II-348
——, J. I. C., on poems of Dr. Robert Emmet I-166
Clear, John, of Newborn II-340; bequest to II-340
——, Thomas, of Drangan, and Emet, William II-340
"Clear the Way", battle cry I-vi
Clergy, Catholic, banished I-545; educational scheme I-136
——, Protestant, and magistracy II-401
Clinch, ——, execution I-249
Clinton, De Witt, and Emmet, T. A. I-395; I-556; Emmet eulogy projected I-484; 529; and T. A. Emmet's funeral I-486; facsimile of plea of T. A. Emmet I-facing 399; and Sampson, William I-495
——, George, and Emmet, T. A. I-395; Irish sympathies I-403; Republican meeting I-420
Clinton, Sir Henry, and Revolutionary war I-417n
Cloncurry, Valentine Browne Lawless, 2nd Baron, and Catholic Emancipation II-24; and Emmet family II-24; and Emmet, Robert II-24; 39; 266; and Emmet, Thomas Addis I-226; on R. Emmet and Union debates II-24; and Habeas Corpus I-297; Paris, residence in II-24; release I-297; and United Irishmen II-24
Clondalkin, powder mills II-103
Cloney, Thomas, and Byrne II-67; 68; and Emmet, Robert II-67; 68; 70; and Emmet, T. A. II-67; and Rebellion of 1803, II-72
Clonmel, Patten home I-560
Clubs, influence of I-80
Clynie, Mason estate II-360
Coal Quay, Dublin, and Rebellion of 1803 II-73; 76; 558
Coat-of-arms, of Emmet family I-149; 150; II-346; on Casino gate I-183
Coates, Elizabeth Taylor (Mrs. Joseph) II-343
——, Thomas, of Dublin II-343
——, William, of Dublin II-343
Cobbett, William, and Emmet I-418; 493; 494n
Cock, Margaret Emmet (Mrs. Richard) I-347
Cockayne, ——, attorney I-115; Jackson, evidence against I-131
Cock Hill, Dublin, military depot II-47
Code, Henry Brereton, and Rebellion of 1803, II-256
Coercion, in Ireland II-406; 414; 565
Coigley. *See* Quigley
Caile, ——, in Kilmainham II-495
Coke, Sir Edward, manslaughter, definition of II-536
Colden, Cadwallader D., lawyer I-421; and Emmet, T. A. I-404; 410; 456; and Emmet family II-523; and Emmet portrait of Fulton II-523; and T. A. Emmet's funeral I-486; and Emmet memorial I-495; Fulton, Life of I-427n; on Fulton I-428
——, Mrs. David, and Emmet family I-442; 444; 445; and Emmet monument collection I-551
Cole, Cornet, wounded II-104
——, Lord, and Union, Anglo-Irish II-314
Coleman, William, and Emmet, T. A. I-421; I-494n; on King, Rufus I-413; trial for libel I-420; II-509-13
Coleraine Street, Dublin, in Emmet's "Plan" II-558
Cole's Lane, Dublin, in Emmet's "Plan" II-558
Colgan, Terence, and "Devil's Brief" II-147; Emmet trial, testimony II-179; 203
Collins, James, Provisional Government's broadside II-553
——, Kane, Provisional Government's broadside II-553

Colne, Emat lands II-337
Coltman, Lieut. *See* Coultman
Colvill, Elizabeth II-384; 390
Colville family I-222; and Lawless II-28; and Lady Montcastle I-392
——, Margaret, cousin of Jane Patten Emmet I-157
——, Margaret, mother of Jane Patten Emmet. *See* Patten, Margaret Colville
——, Margaret Thompson, grandmother of Jane Patten Emmet I-220; portrait I-facing 220
——, W., Jun., grand juror, Emmet trial II-145
——, William, cousin of Jane Patten Emmet I-282
——, William, grandfather of Jane Patten Emmet I-220
——, William, uncle of Jane Patten Emmet I-302; II-288; 388; 384
Comerford, John, Emmet, Robert, portrait of II-253; 257; 327; Emmet, Robert, miniature, monogram back II-facing 234; Emmet, Robert, sketch, facsimile II-facing 254; at Emmet trial II-254
Comesky, death of, and Trevor II-480
Commerce, and legislation I-38
——, English, and Constitution I-36; and Irish policy I-37; 43; II-575; origin of I-36; Pitt on I-62
——, Irish, distress I-108; and English legislation I-28; penalized I-38; II-414; 420; Pitt's measure I-62; progress and capacities I-65; restrictions I-75
"Commercial Advertiser", and T. A. Emmet's death I-477; and Emmet's funeral I-479; I-482; and Emmet memorial I-495
Committee, General, Catholic. *See* Catholic Committee
Commons, House of, English, corruption I-58; prison investigation I-265n
——, House of, Irish, corruption in I-59; Crown, influence of I-57; Emmet examination I-264; II-465; and Fitzwilliam's recall I-128; and Lords I-75; popular representation I-58; sale of seats I-64; and State prisoners of '98, I-252; 318; 321; theory of constitution I-57; Union debate II-23; *Cf.* Secret Committee
Condon, Ned, and Byrne II-63; 74; and Congreve rockets II-84; and Emmet, Robert II-63; and Rebellion of 1803, II-79
"Confederate Yell" I-vii
Congreve rocket, Condon II-84; construction II-66; Coote II-84; Emmet, Robert II-48; 65; 252; Finerty II-84
Connaught, Catholic refugees I-142; Defenderism in I-115; 139; 144; Defender trials I-140; military outrages II-565; 569; Provisional Government appeals to II-549; and Rebellion of 1803, II-108
Connaught Proverb I-3
"Connaught Rangers" I-vii
Connell, Mary Anne. *See* Thompson, Mary Anne Connell
Connell, Owen, and T. A. Emmet memorial I-497
Connolly, Father, and Rebellion of 1798, II-306n; and Rebellion of 1803, II-306
Conquest, and civilization I-7; and dominion, Molyneux on I-30; of Ireland I-32; 37; of Ireland, and disunion I-67; Molyneux's definition I-30; Roman system I-40; right of, Blackstone on I-48
"Constans", heraldic motto I-150; derivation of word I-150n
Constitution, British, basis I-57; and commerce I-36; and general policy I-36; and Ireland II-410; and Irish Constitution I-57; "Montanus" on II-410; and reform, T. A. Emmet on II-470
—— Friends of the. *See* Peace, Friends of
—— Irish, and British Constitution I-57
——, United States, and patent rights II-517; 518
Convention, Catholic. *See* Catholic Convention
Convention Bill, enacted I-110; "Montanus" on II-396; repeal pledged I-127; repeal urged I-131; Parsons on I-125
Conway, Avis. *See* Blennerhassett, Avis Conway
Conyngham Road, Dublin II-236
Cook, Secretary, M'Nally's letter to II-25; and Macneven I-250; and Neilson I-414; and State prisoners of '98, I-250; 251; 255; State prisoners' agreement I-256; 311
—— Street, Dublin, in Emmet's "Plan" II-558
Cooley, Richard, constable II-188
Coolnedrisga, Emmet estate II-342
Coote, Sir Eyre, general, and Congreve rockets II-84
Corbet, Thomas I-344; 344n; 371n; and Emmet, T. A. I-348; 359; 365; 366; and O'Connor I-366; Quigley's secret examination II-307; and Swiney I-393
——, William I-344n 371; 371n; Quigley's secret examination II-307; and Rebellion of 1803, II-576
Corbett, Samuel, and C. Emmet I-168
Cork, Emmet family I-487; II-343; and French invasion I-371; and Parliamentary representation I-111; and Rebellion of 1803, II-108; Temples in II-351; and Union II-576; Westmoreland, address to I-83
—— Street barracks, Dublin, in Emmet's "Plan" II-557
Cormack, Joseph. *See* McCormick
Cornwallis, Charles, Earl, on Amiens, Peace of II-27; and Bonaparte, Joseph II-27; and Hayne I-417n; Portland, letter from I-297; and Rebellion of 1798, I-249; 250; and State prisoners of '98, I-257; in Virginia I-417n
Correspondence Bill, passed I-110
Corroglepoor, Emmet estate II-342
Corry, Isaac, and Parliamentary reform I-95

Cortlandt Street, New York, Emmet residence I-438
Costigan, ——, of Manchester, and Quigley II-306
Coultman, Lieut., and "Devil's Brief" II-147; Provisional Government broadside II-553; and Rice II-185; and Rebellion of 1803, II-97; 111
Council of England, and Irish Parliament I-33
Counties, representation in Grattan's Parliament I-58
"Courier", newspaper, London I-323; 324; 326; libel suit I-326; Neilson's letter to I-414; on Turner, Samuel I-338
"Courier", newspaper, New York, on T. A. Emmet's illness I-476; on T. A. Emmet's death I-476; on Emmet funeral I-484; and Emmet monument I-539
Covenanters, Irish, and Catholics I-132; and Quigley I-133; and United Irishmen I-133
—— Scottish, persecution of II-405
Coventry, Godiva of II-350
Cox, Watty, Emmet's speech, version of II-229
Coxe, Daniel I-435
——, John Redman I-436
Crane-lane, Dublin, in Emmet's "Plan" II-558
Cranston, Mr., State charges against I-426
Craven, Nathaniel, grand juror, Emmet trial II-145
Crest, Emmets' I-150
"Cricketers, The", painting in Hammond collection II-524
Crimmins, John D., Home Rule election fund II-330
—— *letters from the collection of:* Emmet to Sampson I-435; Emmet to Thompson I-456; Fulton to Emmet I-426; Macneven to Duponceau I-501; Macready to Emmet, Robert (Judge) I-468; Sheil to Emmet I-466
Cromwell, Oliver, Irish policy I-14; and Irish women I-vii; and Temple, Sir Thomas II-350
"Croppies' Hole", Dublin II-15n
Crosbie, Sir Edward, and Douglas, Archibald II-4
Crossoil, Limerick, estate II-342
—— (Cressoil), Tipperary, estates, collusive suit II-390; R. Emmet's interest II-386; T. A. Emmet's marriage settlement II-383; warranty of title II-391
Cumming, George, death I-550; 550n; and Emmet monument I-490; 496; 497; 550; 551; at Fort George I-273; 550n; and United Irishmen I-550
"Cunningham", Emmet's alias II-114; 166; 198; 212
Cunningham, William, and American prisoners II-230n
Curran family, and Emmets II-262; 265; and Hudsons II-326
——, John Philpot, and Catholic Emancipation I-121; character II-262; and Clare II-215; 267; and Curran, Sarah II-130; 240; and Emmet family II-118 on Dr. R. Emmet I-180
Curran, and Emmet, Robert II-118; 130; 222; 240; letter to II-146; refusal to defend II-146; II-267; romance II-266; speech, draft of II-221; 222; trial II-149; 215
—— and Emmet, T. A. I-222; 223; 488; 518; 522; 527; II-272; Haines on I-518; and Hardwicke II-240; Kirwan, defence of II-267; and M'Nally II-115; and Monks of the Screw I-194; and O'Grady II-267; and Rebellion of 1803, II-40; residence II-92; 126; residence searched II-130; 267; veracity I-181; Wickham, letter from II-129; Wickham, letter to II-240
——, Richard, R. Emmet's letter to II-220; 230; 232; and Emmet romance II-266
——, Sarah, character II-126; and Curran, J. P. II-240; death II-264; 269; description II-265; driven from home II-263
——, *and Emmet, Robert* II-ix; 92; 126; 231; 232; 233; 239; 262; 266; first meeting II-265; journey to the gallows II-236; letters from II-128; 147; letters to II-119; 121; letters to, McDonagh on II-126; Madden on II-130; secret examination II-123
—— grave II-265; and Hardwicke II-130; loses reason II-130
—— *love-letters* II-119; 121; 270; 272; O'Hart on II-269; and Sirr II-269
—— marriage II-264; Moore's verses on II-264; romance, Irving's tribute II-268; Romney's portrait of II-265; 268; (ill.), II-facing 262; and Sirr II-126; 271; II-129
——, W. H., Emmet's "Plan" published by II-234
Custom House Barracks, Dublin, in Emmet's "Plan" II-75; 558
Cuthbert, Agnes I-162; identity I-164; 165
——, Joseph, patriot I-165; at Fort George I-273
——, Mary I-164
——, William, will I-164
Cutpurse Row, Dublin, in Emmet's "Plan" II-558
Cutting, Robert Fulton, and Fulton's portrait II-526

Daendels, Herman W., Gen. I-356; 365n
"Daily Advertiser", newspaper, Albany, on Emmet, T. A. I-492n; on Emmet's death I-503; and Emmet memorial I-495
Dalton, ——, State prisoner II-491; 495
——, Alexander I-340n; and Byrne I-368n; II-80; and Emmet, T. A. I-340; 341; 343; 350; 357; 359; 360; 365; 369; 372; 376; 378; 379; 384; 386; and Irish expedition I-359; and Macneven, W. J. I-501; and Murphy I-365; and O'Connor, Arthur I-341; 360; and United Irish reclamations I-357
Daly, ——, Co. Kilkenny, and Privy Council II-85
——, Baron, Emmet indictment II-145

Daly, Denis Bowes, and Fitzwilliam I-120
Damer, John, Ragheen lands, grant of II-383
Dapping's Court, Dublin, Oswald's school II-3
Darcy, William, and Byrne II-75; and Castle, attack on II-75
Darley, Frederick, and Devil's Brief II-147; Emmet trial, evidence II-187; and Marsden II-110; Rebellion of 1803, account of II-110
"Datis Vadibus", verses I-327
Davis, Sir John, on Irish love of justice I-20
——, Thomas E., Emmet monument subscription I-551
——, William, Emmet juryman II-157
——, Varina Anne, on Emmet, Robert II-303
Davy, Tighe, and Emmet memorial I-497; 551
Day, Hon. Judge, Kilmainham investigation II-491
"De aere fixo vel acido aereo", by Emmet, T. A. I-203; text II-363
"Death of a Friend", poem, by Dr. R. Emmet I-170
"Death the Mediator", poem, by Mrs. Lenox-Conyngham II-323
Decapitation, after hanging II-294
"Decree, The", poem by Christopher Temple Emmet I-xv; 195-198; Dictionary of National Biography on I-195
Defenders, attacked I-103; and Catholic bishops I-109; at the Diamond I-141; and French invasion I-115; and Government II-418; in militia I-145; object I-101; and Orangemen I-141; 142; II-451; organization, defects in I-144; origin I-100; and Peep-o-Day Boys I-103; 225; II-447; and secret committee I-103; spread I-100; 139; and Tandy I-101; 207; 208; trials I-140; 145; and United Irishmen I-138; 143; 144; II-447
Delane, Grace, legacy II-342
——, Samuel, legacy II-342
——, Solomon, legacy II-342
Delaney, John, and Emmet family I-300
——, Patrick, and Emmet family I-298
Delany (Delaney), Malachy I-346n; and Emmet, Robert II-25; 39; "Emmet and His Contemporaries", reputed authorship II-273n; and Emmet, T. A. I-346; 379; Madden on II-113; Quigley's secret examination II-307
Delaplaine, Joseph, and Fulton portrait II-523; 524; 525; and Leney II-524; 526; and West's portraits II-524
Denny, Sir Edward I-283; 283n
Derry, Rebellion of 1798, I-257
Despard, Col. Edward Marcus, and Dowdall II-53; execution I-555; plot against Government II-53
——, M., on Emmet, T. A. I-555; 556; Emmet memorial verses I-557; and Mrs. Greatorex I-555
Devereux, James Edward, Catholic petition I-93
"Devil's Brief", Doyle II-116; Emmet trial II-146; 147; facsimile II-146
Devlin, Anne, arrest II-33; at Butterfield house II-35; daughter II-38; death II-35; 38; and Mrs. Dunn II-33; and Dunn, John (gaoler) II-33; and Dwyer II-32; and Emmet, Robert II-31; 33; 34; 36; 46; 85; 92; 113; and Emmet's romance II-266n; 272; and T. A. Emmet, M.D. II-35; epitaph II-35; family imprisoned II-32; grave II-35 and Hanlon II-34; ill-treatment of II-239; ill-treatment of, Madden on II-34; Irish neglect of II-35; at Kilmainham II-33; 36; 309; liberation II-34; and McNally II-33; and Dr. Madden I-35; monument II-35; at Naas gaol II-34; portrait II-35; 35n; portrait reproduction II-facing 36; and Simpson II-34; and Sirr II-31; 32; 36; 230n; statement II-33; at Tower, Dublin II-34; and Trevor II-32; 33; 34; 230n; and Wier II-34
——, Arthur, and Dwyer, Michael II-55; 74; and Emmet, Robert II-54
——, Bryan II-32; and insurrectionists II-85
——, James II-32
Devonshire Wharf, Dublin, in Emmet's "Plan" II-557
De Wolf, Abby, marriage I-164n
Diamond, The, affray I-141
Diary, of Emmet, T. A. I-335; 340; 380
Dickinson, H. W., and Fulton portraits II-526
Dickson, John, Emmet juryman II-157
Dillon, Mrs., innkeeper, and Emmet's depot II-47; *Cf.* White Bull
——, Lord, and Emmet, T. A. I-507; II-457; and R. Emmet's speech, draft of II-221; 222
——, John, cablegram, facsimile II-facing 330; Dr. Emmet, letter to II-330; and Home Rule election funds II-329; and Irish National Federation II-329
——, Timothy, and Tandy I-207
Dillon's Inn. *See* White Bull
"Dion", pseudonym I-231
Directory, French, and Amiens, Peace of I-362; Irish expedition I-358; II-451; and Tone I-139; and United Irishmen I-320; II-461
——, of United Irishmen I-139; 317; 507; and Emmet, T. A. I-246; 343; 354; 507; O'Connor, Arthur I-324; 336; and reform II-457; seal II-22; and Sheares, John II-458; 462
Dirty Lane II-174; Emmet outbreak II-110; in Emmet's "Plan" II-558
Dissenters, Irish I-77; 223; and Catholic Emancipation I-80; 108; 548; and Catholics I-16; 96; and democracy II-412; and Irish prosperity I-224; "Montanus" on II-411
Dixon, James, State prisoner II-491
——, Rev. Wm. Steele, at Fort George I-273
Doah, Volunteers dispersed I-107
Dobbs, Francis, and State prisoners of '98, I-250; 258; 311; 312

Dolan, Daniel, Hardwicke, memorial to II-37; Kilmainham investigation II-491
Domiciliary visits, in Ireland II-416
Donnellan, Major, and Dublin Castle defence II-103
Donnelly, Thomas, and Rebellion of 1803, II-40
Donoughmore, Richard Hely-Hutchinson, 1st Earl of, and Catholic Emancipation I-92
Donzelot, François-Xavier, Count, and Emmet, T. A. I-378; 380; 388
Douglas, Rev. Archibald, on Emmet, Robert I-502; II-4; and Madden II-4
——, Sylvester (Baron Glenbervie) I-112
Douglass, Peggy, and Emmets I-447
Dowdall, William, and Butterfield-Lane house, lease of II-146; 160; 172; death II-305; and Despard II-53; and Emmet, Robert II-39; 70; 79; 203; 204; and Emmet, T. A. I-375; escape II-97; M. Frayne's testimony II-173; 174; and French army I-393; in Irish Legion II-305; and Provisional Government II-162; and Rebellion of 1803 II-96; rocket test II-72; and Tyrrell II-160; Tyrrell's testimony II-172
Dowden, Edmund, and Shelley's poem on Emmet's grave II-300; 561
Dowling, Matthew, United Irishman I-333; 394; at Fort George I-273; and O'Connor, Arthur I-336; Tandy case I-207
Down, County of, Catholic refugees I-143; Rebellion of 1798 I-257; United Irishmen I-132
Downes, William, 1st Baron, Emmet indictment II-145; Kilmainham investigation II-491; Rowan's arrest I-207
Downshire family, and Trevor II-295
Doyle, convict, and Trevor II-486
——, Henry, and Romney's portrait of S. Curran II-268
——, John, and Mrs. Bagnall II-194; and "Devil's Brief" II-147; and Emmet, Robert, betrayal of II-115; and Emmet trial II-193; 212; and Robinson II-193; 194
——, Matthew, and Byrne, Miles II-71; 74; and Emmet, Robert II-66; 67; 71; 165; and Emmet II-204; illness II-71; and United Irishmen II-66
——, Thomas, United Irishman I-272
Drennan, William, and Edkins collection I-195; and Emmet, T. A. I-214; and Emmet family I-176; 281n; marriage I-282; and "The Press" I-231; son, birth of I-281; verses written after Emmet trial II-209
Drexel, Mrs. Lucy Walter, Fulton miniature II-527
Dromline, Emmet estate II-342
Duane, William S., printer I-232; and T. A. Emmet eulogium I-503; and T. A. Emmet memorial I-503
Dublin, town, Ireland, Arbour Hill II-15n; Castle. *See* Castle, Dublin; Catholic petition I-128; corporation of, and Fitzwilliam's recall I-129; and Protestant ascendancy I-89; Defender trials I-145; Emmet residence I-175; II-3; Dr. R. Emmet residence, Molesworth Str. (ill.) I-175; Dr. R. Emmet's residence, Stephen's Green (ill.) I-176; garrison strength II-103; Kilmainham Gaol (ill.) I-facing 266; map II-334; martial law 1803 II-242; Newgate Prison (ill.) I-facing 249; and Parliamentary representation I-111; Proclamation of Provisional Government II-197; publishing centre II-235; 235n; and Rebellion of 1803, I-368; St. Patrick's Hospital for the Insane (ill.) I-178; Plan for the capture of II-537; and Union II-576; United Irishmen I-82; 226; II-446; Whigs of I-81
Dublin, town, New Hampshire I-vi
"Dublin Journal", newspaper I-320; 321; on O'Connor, Arthur I-324; and State prisoners of '98, I-322
"Dublin Magazine", Emmet's examination, report of I-253; II-473
"Dublin Press", and Sirr's perjured witnesses II-148n
Dublin University. *See* Trinity College
Dubois, L.-Paul, on Castle system II-261
Dubois *v.* Phillips I-421
Duelling Act I-398
Duer, John, and Emmet monument, Latin inscription I-541; 544
——, William A., on Emmet, T. A. I-539; 549; 550; and T. A. Emmet's death I-492
Duff, Christopher, Kilmainham baker II-492
——, Sir James, United Irishmen, massacre of I-255
Dufferin, Elizabeth Blackwood, Baroness I-300; 300n
——, Hans Blackwood, Baron I-300; 300n
Dufferin and Ava, Frederick Temple Blackwood, 1st Marquis of, and Temples I-190
Duggan, Bernard, and Emmet, Robert II-39; 55; and Madden II-55; and Quigley II-84
Duigenan, Patrick, and Catholic relief I-94; 126; 136
Dundas, Sir David I-258
Dungannon, Ulster Convention, 1793 I-91; 98; Volunteer declaration I-54
Dunn, George bribe II-138; 140; character II-139; 141; and Devlin, Anne II-33; 34; and Dunn, John II-137; 139; and R. Emmet's attempted escape II-127; 137; 139; 140; 143; 146; R. Emmet's letter to Sarah Curran II-128; Emmet's letter to Mason II-144; on Emmet's remains II-288; Government reward II-141; Kilmainham II-137; 138; 139; and Mason II-128; State prisoners, treatment of II-37; treachery II-139; 140; and Trevor II-139; 144
——, Mrs. George, and Devlin, Anne II-33; State prisoners, treatment of II-37
——, John, and Dunn, George II-137; and Emmet's attempted escape II-127; R. Emmet, kindness to II-137; Kilmainham II-137; 138; 139

Dunraven, Lord, on Castle system I-vi; and Protestant ascendancy II-250
Duponceau, P. S. I-435; 435n; Macneven, letter to I-502; and Tilghman, William I-501
Durning, Captain, Miranda expedition II-503
Duquery, and Fitzwilliam's recall I-128; and Grattan's speech I-123; and leather tax I-126
Duval, Gabriel, and Gibbons *vs.* Ogden case I-459
Dwyer, Malachy, and Emmet, Robert II-39; secret service pension II-39
——, Michael, patriot I-342n; ammunition for II-73; and Devlin, Anne II-32; and Devlin, Arthur II-55; 74; and Emmet, Robert II-39; 91; 98; 107; Emmet's messenger to II-55; family, and R. Emmet II-70; and Mason family II-91; portrait II-facing 108; Quigley's secret examination II-309; and Rebellion of 1798, II-98; and Rebellion of 1803, II-98; 108; submission II-99; transported II-38
Dyers, Elizabeth. *See* Emott, Elizabeth Dyers

Earl-street, Dublin, in Emmet's "Plan" II-557
Edgar, Mrs. William I-448n; and Emmets I-448
Edinburgh University, Emmet, T. A., at I-203; 487; Emmet, T. A., thesis II-363; societies I-204
Edkins, Joshua, collection of poems I-195
Edmonson, ——, killed II-105
Education, Catholic, clergy I-136; disabilities I-346n; 545; in Ireland II-469; plan, petition against I-137; relief measures I-108; 109; 110
Edward III, Statute of II-157; 211
Edwin, Earl of the East Saxons II-350
Egan, ——, petition I-85
——, Hon. Patrick, and Anne Devlin's portrait II-35n
Egypt, Napoleonic invasion I-381
Elections, annual, United Irishmen advocate I-243
Elizabeth, Queen of England, Irish policy I-13; 42; statutes against Catholics I-506
Ellard, James, Sr., and T. A. Emmet marriage settlement II-383
Ellices, and Emmets II-361
"Ellis, Robert", Robert Emmet's alias II-46; 160; 212; 274
Elphin, Catholic resolutions I-81
Elrington, ——, Trinity professor, on Emmet, Robert II-7
Emancipation, Catholic. *See* Catholic Emancipation
Ematt (Emat), William, of Surrey (d. 1654) II-345
Emerson, Ralph Waldo, on Normans I-219
Emet, spelling II-337; from Holland I-159
——, Anne (Jane) Godsell (Mrs. Thomas) II-338; 339
Emet, Benjamin (1718), London II-344
——, Catherine (Mrs. William) of Capon Garon II-340
——, Christopher II-343
——, Henry, of England, and Emet, William I-151; II-340
——, Katherine Aldwick (Mrs. William) I-153; II-338; Bulgadinedy, deed of II-339; chancery suit II-339
——, Martha. *See* Farrell
——, Mary, Buckinghamshire II-344
——, Thomas (d. 1709), of Bulgadeen I-153; II-338
——, Thomas (fl. 1742), of Capagh II-340
——, William, of Bulgadeen II-338; Massy, suit against II-339; Rebellion of 1641, II-339; Waterhouse, suit against II-339
——, William, of Capon Garon II-340; will I-151; II-340
Emett, spelling II-337
—— Family, arms (ill.) I-149
——, Christopher, of Tipperary I-151; 152; 153; 160; 161; II-340; descendants I-159; epitaph II-343; Miss Guiney on I-190; kindred I-163; 165; portrait I-161; spelling of name I-176; tombstone (ill.) II-facing 343; and White, Nathaniel II-351; will I-162; II-341
——, Christopher, son of William I-163; II-341
——, Diana, sister of C. Emett I-165
——, Edward, of Tipperary II-340
——, Elizabeth (1648) II-345
——, Grace Russell (Mrs. Thomas) I-161; II-340; and T. A. Emmet's marriage settlement II-384; and Sadlier family II-344; will II-341
——, Hanna (Mrs. Edward), of Tipperary II-340
——, Joana, identity I-163
——, Mary, of Cork II-343
——, Mary (Mrs. Thomas), of Tipperary II-340
——, Rebecca Temple, wife of Christopher I-152; 161; II-340; 341; 350; 351; Miss Guiney on I-189; legacy I-162; portrait I-161
——, Theophilus, London II-344
——, Thomas (d. 1588), of Plymouth II-347
——, Thomas (b. 1728), son of Christopher I-161; II-340; bequests to II-341; intestacy II-341; legacy I-163
——, Thomas (fl. 1734), of Tipperary, father of Christopher I-161; II-340
——, Thomas (fl. 1757), of Dublin, son of William II-343
——, William, of Tipperary I-162; II-341
Emette, Alice. *See* Archer
——, (alias Taylor), Anthony, of Malmesbury II-345
——, Jane (Mrs. Anthony), of Malmesbury II-345
——, Mabel II-345
—— (alias Taylor), Thomas (1659), of Circencester II-346
——, Thomas, of Malmesbury II-345

Emigrant Refuge Hospital, New York, Ann Campbell in II-38
Emigrants, Irish, American prejudice against I-490
Emiott, Anne, of Plymouth (d. 1657) II-348
——, Honour. *See* Ripley, Honour Emiott (Mrs. John)
——, Joane, of Plymouth. *See* Kasswill, Joane Emiott (Mrs. Rogers)
——, Margaret, of Plymouth. *See* Martyn, Margaret Emiott (Mrs. Roger)
——, Richard, Jr. (1655), of Plymouth II-348
——, Thomas, of Capagh II-340
Emmat, William (1675) II-346
Emmatt, Robert (d. 1657), son of William II-345; 346
——, Robert, son of Robert, of Pyrford II-345
Emmet family I-149; II-337; artistic talents I-513; Bible record (ill.) I-154; "Casino" I-181; character I-502; 503; characteristic traits I-158; 177; 188; Christian names, most usual I-149; circumstances I-158; coat-of-arms I-149; coat-of-arms (ill.) I-facing 149; and Colden, C. D. II-523; connections I-159; of Cork II-343; and Curran family II-262; of Devon II-347; Douglas, Rev. Archibald on II-4; Dublin residence I-176; and Ellices II-361; in England II-337; 344; extinction in Ireland I-149; 410; and Fitzgerald, Lady Anne I-282; 283; 305; II-90; and de Fontenays I-292; and Dr. Francis II-525; and Fulton, Robert II-523; Miss Guiney on I-189; and Haussonville, Countess d' II-xiii; and Hicksons II-361; and Hilliards II-361; household effects II-328; intellectual gifts II-140; Irish branch II-337; 338; 346; and Irish language II-4; Kerry estate II-115; in Kildare II-342; and King, Rufus I-496; in Lancashire II-337; and Miss Landon II-288; in Limerick II-338; and Madden I-177; 212; 502; II-132; and Masons I-189; II-115; Molesworth St. residence II-281; name, antiquity of II-337
—— *in New York,* ball I-461; and Bienhausers I-445; and Blennerhassetts I-455; festivities I-449; home life I-438; and McEvers I-442; 444; 446; residences I-438
——, and O'Connells of Derrynane II-361; and Patten, John II-132; poetical gifts II-11; political views I-178; and Dr. Powell II-288; professions I-158; records, loss of I-158; and St. Peter's Church, Dublin II-281; and separation, political I-179; spelling I-176; II-337; and Miss Spring II-91; and Spring-Rices II-361; and Mme. de Staël II-xiii; Stephen's Green residence II-281; and Taylors II-343; and Temples I-188; II-89n; 352; of Tipperary II-340; of Tipperary, English stem II-347; tombstone II-282; traditions, lack of I-156n
Emmet, vault, St. Peter's Church, Dublin II-260; destroyed II-286; 289; R. Emmet's remains II-289; Dr. T. A. Emmet II-289; inscription II-287; location II-282; II-285
—— visitors in Dublin I-176; in Waterford II-338; and White, Samuel II-4; in Yorkshire II-337
Emmet, —— nephew of Christopher Emett I-154
——, Agnes, daughter of George II-345
——, Ann, daughter of Edward II-347
——, Anna Tom (Mrs. T. A., Jr.) I-442; 442n; 446
——, Anne (b. 1746), Herts II-345
——, Anne (b. 1769), daughter of Dr. R. Emmet II-341
——, Anne Western Temple (Mrs. Christopher Temple) I-177; II-341; 342; Miss Guiney on I-190; marriage I-191; portrait I-facing 191; trust for II-344
——, Byrd Tucker (Mrs. John Patten) I-469
——, Catherine, daughter of Christopher Temple Emmet I-192; 285; 291; 294; 296; 444; 444n; Emmet, Robert, M.D., will I-185; II-342; and Emmet, T. A. I-437; and Mrs. Holmes II-327; Mrs. Holmes, portrait of II-327; Mrs. Lenox-Conyngham, portrait of II-326; New York, visit to II-327
——, Catherine (b. 1766), daughter of Dr. Robert Emmet II-341
——, Catherine, daughter of T. A. Emmet I-391
——, Christian Snowe (Mrs. Edward) II-347
——, Christopher Temple (b. 1761) I-180; II-341; baptismal record II-343; burial certificate I-192; Burrowes on I-194; character I-503; death I-160; 191; 206; 483; 506; "Dictionary of National Biography" on I-191; Emett, Grace, will II-384; Grattan on I-192; grave II-283; 287; Miss Guiney on I-189; 190; intellectual attainments I-181; 202; 464; learning I-213; legal ability I-192; 194; Dr. Madden on I-177; 188; 192; marriage I-177; 191; and Monks of the Screw I-194; Norbury on II-225; poems I-194; 195; poetical faculty I-194; II-11; political views I-178; university standard I-202
——, Christopher Temple, Lieut. (b. 1798) I-289; 301; 304; 305; 306; 391; 402n; 423; 437; 440; death I-455; 562
——, Christopher Temple (b. 1868), marriage I-450n
——, Cicely, daughter of Edward II-347
——, Deborah (b. 1647) I-154
——, Dorothy Knight (Mrs. James), of Plymouth II-348
——, Edward (d. 1625) II-347
——, Edward (fl. 1625), son of Edward II-347
——, Edward (d. 1689), of Plymouth II-348
——, Edward (b. 1689), of Plymouth, son of Edward II-348

Emmet, Edward (d. 1720) II-344
——, Edward (d. 1723), Middlesex II-344
——, Elizabeth (d. 1689), (Mrs. Edward) II-348
——, Elizabeth (b. 1770), daughter of Dr. R. Emmet II-341
——, Elizabeth, daughter of T. A. Emmet. *See* Le Roy, Elizabeth Emmet (Mrs. W. H.)
——, Elizabeth Browne (Mrs. William) I-151
——, Elizabeth Burrage (Mrs. Maurice) I-151
——, Elizabeth Mason (Mrs. Dr. Robert) II-341; 360; Ballydowne devised to II-342; burial II-233n; character I-502; 503; charity I-181; II-9; death I-187; II-31; 134; death, Robert informed of II-233; and R. Emmet, pardon II-134; and R. Emmet, visit in prison II-132; Dr. R. Emmet's death I-186; Dr. Emmet's will I-185; Emmet, Thomas Addis, arrest of II-44; grave I-187; individuality I-188; legacy to II-342; Letters to T. A. Emmet I-186; 280-288; 291; 294; 301; 303-309; letter, facsimile I-facing 186; Dr. Madden on I-177; 187; marriage II-91; virtue I-189
——, Elizabeth Pynes (Mrs. Maurice) I-151
——, George (d. 1657), Pyrford II-345
——, George (b. 1687), son of Edward, of Plymouth II-348
——, George (fl. 1687), son of Maurice, of London I-151; II-346
——, Harriet (d. 1727), Middlesex II-345
——, Henry (12th cent.), musician II-337
——, Henry (b. 1657), son of Maurice I-151; II-346; seal I-152
——, Henry (fl. 1711), of London, merchant II-343
——, Henry (fl. 1727), son of John I-152; II-344
——, Henry, Middlesex II-345
——, Henry, son of Dr. R. Emmet II-341
—— (Emmot), James (d. 1691), of Plymouth II-348
——, James (d. 1727), London II-345
——, James, Col. (fl. 1776), of the Hillsboro' District I-155
——, James Mason (b. 1767), son of Dr. R. Emmet II-341; burial record II-343
——, Jane, daughter of Edward II-347
——, Jane Erin. *See* McEvers, Jane Emmet (Mrs. Bache)
——, Jane Patten (Mrs. Thomas Addis) I-220; 298; 332; II-341; and Mrs. Blennerhassett I-455; character I-561; Colville, Elizabeth, bequest of II-384; death I-562; dower right, renunciation of II-390; dowry II-388; and Emmet family I-303; 311; and Emmet, Thos. Addis, M.D. I-559; at Fort George I-275; 276; 282; 285; 296; 327; girlhood I-560; as a hostess I-559; in Kilmainham I-266; 326; Mrs. Le Roy, visit to I-455; and letter-writing I-560; Madden on I-561; marriage settlement II-383-392; as a mother I-559; Neilson on I-336; in New York I-437; 440; old age I-559; 560; Patten, John, letter to I-560; and Portland I-275; 281; 327; 507; portrait I-562; facing 438; facing 455; facing 561; Russell's poem I-276; Sampson on I-528; and seal of United Irishmen II-22; tomb I-562; Bishop Waynfleet, resemblance to I-221
Emmet, Jeannette. *See* McEvers, Jane Erin Emmet (Mrs. Bache)
—— (Kline), J. K. I-155
——, Joane, daughter of Edward II-347
——, Joane (b. 1645), daughter of Tristram II-347
——, Joane Stevens (d. 1625) (Mrs. Edward) II-347
——, John (fl. 1661), of Dungarvan II-338
——, John (b. 1672), son of Maurice I-151
——, John (b. 1674), son of Alexander II-348
——, John (b. 1675), son of Henry I-151
——, John (d. 1727), London I-152; II-344
——, John (d. 1738), Middlesex II-345
——, John (d. 1746), Herts II-345
——, John (d. 1751), Middlesex II-345
——, John (b. 1772), son of Dr. R. Emmet II-341
——, John Patten, M.D. I-562; baptismal record I-175; birth I-222; in Charleston I-439; 448; childhood I-287; 288; 289; 294; 295; 297; 298; 300; 391; death I-560; Emmet, T. A., bust of I-468; 482; 535; Emmet, T. A., bust of (ill.) I-facing 535; "Evening at Home" I-439; "Evening at Home", facsimile I-facing 439; Jane Macneven's drawing of I-facing 446; marriage I-469; medical studies I-437; Dr. Mitchell, drawing of I-513; facsimile I-facing 513; New York, arrival in I-402n; at school I-423; young manhood I-442; 446
——, Joseph (d. 1711), of Plymouth II-349
——, Julian, son of Edward II-347
——, Rev. M., Methodist minister I-159
——, Margaret (b. 1650), of Plymouth. *See* Cock, Margaret Emmet (Mrs. Richard)
——, Margaret, daughter of T. A. Emmet I-402; 562; childhood I-285; 288; 294; 299; 303; 330; 391; and Mrs. T. A. Emmet I-559; Ireland, visit to I-156n; Le Roy, Eliz. Emmet, letter to I-457; 458
——, Mary, daughter of Henry I-151
——, Mary (b. 1650), birth record I-154
——, Mary (fl. 1657), daughter of George II-345
——, Mary (d. 1687), of Plymouth II-348
——, Mary (d. 1707), of Plymouth I-152
——, Mary (1739), Middlesex II-345
——, Mary, daughter of William I-151
——, Mary Anne, daughter of T. A. Emmet. *See* Graves, Mary Anne Emmet (Mrs. Edward Boonen)

Emmet, Mary Anne, sister of T. A. Emmet. *See* Holmes, Mary Anne Emmet (Mrs. Robert)
——, Maurice (Morrice; fl. 1687), of London I-151; II-346; pedigree of family (ill.) I-152
——, Maurice (b. 1652), son of Maurice, of London I-151; II-346
——, Maurice (d. 1719), Surrey II-344
——, Maurice (d. 1734), Surrey II-345
——, Nicholas (fl. 1629), of Plymouth II-347
——, Rebecca Harriet (b. 1768), daughter of Dr. R. Emmet II-341
——, Richard (fl. 1687), son of Maurice, of London I-151; II-346
——, Richard, of Plymouth II-348
——, Richard S. (son of Judge Robert), and R. Emmet's seal II-235; and Macready I-467n
——, Robert, brother of Mrs. Botha I-159
——, Robert (fl. 1657), son of George, of Pyrford II-345
——, Robert (d. 1661), of Dungarvan II-338
——, Robert (fl. 1661), of Dungarvan, son of Robert II-338
——, Robert, M.D. (b. 1729) I-165; 176n; 402n; II-340; bequests to II-341; burial place II-283; "Casino" I-181; 182; 281; 298; 299; 300; 301; 304; 306; 307; Casino (ill.) I-facing 183; Casino searched II-243; character I-503; charity I-181; II-9; children I-180; II-3; children's deaths I-180n; Cressoil and Ragheen lands, devise of II-384; and Curran family II-265; J. P. Curran on I-180; death I-183; II-216; death mask bust (ill.) I-facing 294; descendants I-160; Dublin residence I-175; 176; II-3; and Emmet, Robert, patriot II-8; R. Emmet's apostrophe to II-225; and Emmet, T. A. II-89; T. A. Emmet on I-186; on T. A. Emmet's arrest I-248; 280; Emmet, Thomas Addis, letters to I-289; 290; 293; and T. A. Emmet's marriage settlement II-383; T. A. Emmet's views, knowledge of I-179; epitaph I-184; II-282; and Fitzgerald, Lady Anne II-89; fortitude I-283; government positions, resignation of I-178; II-9; Government suspicions concerning II-9; and Grattan I-180; Grattan's portrait I-180n; grave I-183; guardianship of cousins I-177; Miss Guiney on I-189; "Harvest Day", poem I-165; 166; II-353-59; heraldic motto I-150; ill-health II-326; individuality I-188; legacy I-162; II-342; Mrs. Macoubry, letter to I-165; 248; Mrs. Macoubry, letter to, facsimile I-facing 248; Madden on I-177; marriage I-175; II-91; marriage contract I-176; Molesworth Street residence (ill.) I-175; Phillips on I-180; philosophy I-293; poems I-165; poems, criticism of Mr. Clarke I-166; poetical gifts II-11; politics I-178; 181; politics, Madden on I-179; political sympathies II-8; 9; portrait I-165; 180n; portrait I-facing 165; portrait (1780) II-facing 171; relations by marriage I-175; religious tolerance II-7; and St. Patrick's Hospital I-149; scientific writings I-165; silver salver (ill.) I-facing 150; spelling of name I-176; as State Physician I-176; 506; Stephen's Green residence (ill.) I-176; tombstone I-184; trust grant to II-344; visitors I-176; White, Samuel, letter to I-178; will I-184; II-44; 342
Emmet, Robert (fl. 1734), of St. John Wapping II-346
——, Robert (b. 1771), son of Dr. Robert Emmet II-341
——, Robert (b. 1774), son of Dr. R. Emmet II-341
——, Robert (b. 1776), son of Dr. R. Emmet II-341
——, Robert (b. 1777), son of Dr. R. Emmet II-341
——, Robert (b. 1778), patriot I-180; II-49; 341
——, *aliases* II-212; "Cunningham" II-114; 198; "Ellis" II-46; "Hewitt" II-117; 118; 159; 195; 196; 198; Plunket on II-202
——, and Allen, John II-39; II-96; and Alliburn II-39; ammunition, seizure of II-74; apostrophe to his father I-180; II-225
——, *appearance*, Elrington's description II-7; police description of II-7; Whitty on II-278; in youth II-7
—— "Arbour Hill" II-15; arms II-46; 48; 65; 175; 178; 180
——, *arrest* I-367; 371; II-90; 97; 114; 166; 195; 198; Castlereagh on II-133; and Fitzgerald, Lady Anne I-305n; news reaches France II-219; Norbury on II-212; warrant for II-24n
—— associates II-38; 40; 46; 162; 245; 274; 305; attainted II-344; on authority II-275; at Bagnall's II-204; Ballydowne estate II-342; baptismal record I-175; and Berney, Michael II-71
——, *betrayal* II-113; 114; 260; and Delaney, Malachy II-113; and Devlin, Anne II-113; and Doyle II-115; Hickson on II-115; and Jones II-115; Lacey II-113; and M'Nally II-113; and Madden II-113; and Mason II-114; and Sirr II-113; warrant for payment of reward, facsimile II-facing 261
——, birth II-3; birthplace (ill.) II-facing 3
——, *body*, cut down II-236; conveyed to Newgate II-236; 237; Fraser's search II-292; Fuller's search II-293; and Gamble's claim II-259; Ormsby, Sir L. II-292; St. Paul's Church searched II-291; and Trevor II-291-296
——, body-guard II-55; books II-277; and Brangan II-39; 71; Bully's Acre, burial in II-259; 292; Sir B. Burke on memory of II-244

Emmet, burial II-260; 319; Colville II-288; Dunn, G. II-288; Emmet family tradition II-283; Mrs. Holmes II-292; and Burrowes II-215
——, and Burton II-125; Butterfield Lane house II-32; 70; 85; 92; 160; 173; 202; and Byrne, Darby II-65; and Byrne, Miles II-39; 60-67; 69; 72-75; 77-79; 81; 85; 277; and Campbell II-64; and Carthy II-39; Casino, bedroom (ill.) II-facing 31; Casino, concealment at II-31; Castle, attack on II-280; Castle, attack fails II-84; and Catholics II-85; 112; character II-x; xi; xiii; 6-9; 215; character, his defence of II-222; 226; charitable work in Dublin II-258; chemical knowledge II-6; 48; childhood II-3; and Cloncurry II-24; 39; 266; and Cloney II-67; 68; 72; and college historical society II-5; 9; college speeches, Moore on II-9; Comerford miniature, monogram back (ill.) II-facing 234; commercial career II-43 and Condon II-63; II-79; and Congreve rocket II-48; 65; 84; 252; courage II-141; courage, O'Grady disparages II-163; and Curran, John Philpot II-118; 130; 222; 267; John Philpot Curran, letter from II-146; J. P. Curran, letter to II-230; 230n; Curran's refusal to defend II-146; and Curran, Richard II-266; Curran, Richard, letter to II-230; II-232
——, *and Curran, Sarah* II-ix; 92; 118; 126; 231; 262; 266; and A. Devlin II-266; first meeting II-265; love letters. *See below under* love letters; Madden on II-130; 131; provision for care of II-233; 239
—— death, preparation for II-233; death mask by Petrie II-254; 288; 292; 292n; death mask by Petrie (ill.) I-facing 372; decapitation II-218; 236-239; and Delany, Malachy II-39; depôts II-46; on his desertion II-163n; and Col. Despard I-555; and Devlin, Anne II-31; 33; 34; 36; 46; 85; 92; and Devlin, Arthur II-54; and Douglas, Archibald I-502; II-4; and Dowdall, William II-70; 79; 96; 203; 204; and Doyle, John II-116; and Doyle, Matthew II-66; 67; 71; Dublin acquaintance I-181; and Dublin police II-88; and Duggan II-39; 55; and Dunn II-137; and Dwyer, Malachy II-39; and Dwyer, Michael II-39; 55; 91; 98; 107; and M. Dwyer's family II-70; education II-3-5; elegy II-209; eloquence II-9; eloquence, Moore on II-5; emigration, projected II-28; 43; 245n; and Dr. Emmet II-8; Dr. Emmet's death I-186; Dr. Emmet's will I-185; and T. A. Emmet I-xx; 333; 333n; 372; 372n; II-105; 219n; 223n; T. A. Emmet, arrest of II-44; T. A. Emmet, letter from II-117; T. A. Emmet, letter to II-232; 239; "Emmet and Erin" by L. Johnson II-302; endurance, poisoning incident II-6; 7; English opinion of II-ix; x; on English tyranny II-225; and epitaph I-533; II-74; 226; "Erin's Call" II-6
Emmet, escape, declined II-78; 280; Dunn, George II-127; 137-141; 143; Dunn, John II-127; Marsden II-141; Mason, St. John II-127; 138; 141; possibility of II-92; from Sirr II-31; Trevor II-127; Wickham II-141
——, evidence against II-117; 118
——, *examination, secret* II-122; 125; S. Curran's name concealed II-123; Dublin outbreak II-123; French mission II-123; Proclamation II-123
——, *execution* II-98; 112; 218; 226; delay desired II-237; Rev. Mr. Gamble II-236; Rev. Mr. Grant II-236; "Hibernian Journal" account II-236; and Mrs. McCready II-238; Madden on II-237; news reaches France II-219
——, executioner II-238; facial expression II-254; on his failure II-56; 559; failure, "The Nation" on II-56; and Farrell II-97; 118; 182; features after death II-237; Fellows of Trinity, letter to II-8 and Fitzgerald, Lady Anne II-62; 88; 90; 91; flight II-91; 97; flight, O'Grady on II-165; and Marquise de Fontenay II-25; Marquise de Fontenay, letters to II-26; 27; 28; and Ford II-76; and France II-222; and Frayne II-39; 174; French, knowledge of II-4; and French aid II-27; 96; 178; 222n; 223; and French aid, O'Grady on II-213; and French invasion II-167; French mission II-25; and French Revolution I-179; on French treatment of foreign nations II-223; and Gamble II-218; "Genius of Erin" II-16; Government, admonition to II-116; 167; 204; and Government agents II-55; Government broadside II-217; 218; Government treachery II-248; 250
——, *grave* II-282; 319; Bigger II-284; Carroll II-284; Dr. Emmet II-284; Fuller II-238; 284; 291; Gamble II-284; Glasnevin tradition II-284; 287; Kennedy's verses on II-302; Kinsella II-289; Madden II-288; Patten II-288; Quaid II-284; 321; St. Michan's Church II-284; Scott II-289; Shelley's poem II-300; 301; 561; Trevor vault II-291
——, and Graves II-4; and Gray II-39; and Gregg II-137; 229; Miss Guiney on I-189; 190; II-246; Gwynn's work II-304; hair purchased by Featherstone II-268; Hall on I-403; at Hamburg II-25; and Hamilton II-39; 70; 105; handwriting II-117; 146; 196; 220; Hardwicke on II-ix; at Harold's Cross II-32; 53; 92; 159; 195; Haussonville, Countess d', on II-xii; xiii; 6; 24; health II-3; "Help from Heaven" II-17; and Hevey II-39; hiding place II-92; 204; hiding place, Southey on II-298; and Holmes, Robert II-320; and Hope II-39; 53; 54n; and Howlan II-280; and Howley II-39; Huhn's work II-xiii; indicted II-134; 145

Emmet, indictment II-150-155; arms, preparation of II-151; conspiracy to revolt II-153; French Government, intercourse with II-152; Proclamation, composition of II-151; 153; Proclamation, concealment of II-152; 154; Proclamation, distribution II-153; Provisional Government, association with II-153; Provisional Government formed II-151; separation from England II-151; traitorous assembly II-154; war, levying of II-154

——, intellectual attainments II-4; Ireland, mission to II-57; and Irish independence II-96; 205; 224; Irish language, knowledge of II-4; 92; and Irish music II-5; Irish republic, plan of II-552; Irish veneration for II-10; 246; 254; 267; Irving's tribute II-268; Johnson, Lionel, poem II-302; and Johnstone II-65; 83; and Jones, William Todd II-39; journey to the gallows II-236; and Keogh, John II-39; and Kildare men II-109; Kilmainham II-137; 138; 229; and Kilwarden's death II-51; 86; 87; 117; on land question II-54; and Lansdowne II-39; last letters II-220; 234; last words II-215; 236; 237; Latin, knowledge of II-4; and Lawless II-27; legacy II-31; 44; 96; 107; 327; and Lenahan II-39; and Lewis, Rev. Mr. II-4; 7; and Locke on Civil Government II-275; Locke on Civil Government, annotations, facsimile II-facing 4; "London and Dublin Magazine" II-273; "London Pride and Shamrock" II-11-13; and Long, Philip II-39; 45; 78; and Long's proclamation II-553

—— *love-letters* II-119; 121; 126; 128; 147; burned II-270; and Devlin, Anne II-272; handwriting II-221; MacDonagh on II-271; number II-272; O'Hart on II-271; Sirr II-269

—— and Lumm II-39; Lynam II-289; and M'Cabe II-39; MacDonagh on memory of II-254; and Macintosh II-64; and McNally II-113; 132; 148; 218; 233; and Macneven II-105; and Madden, John II-39; R. R. Madden on I-177; II-ix-xii; 6; Marsden on II-106; at Marshalsea lane II-49; 174; and Mason I-176; II-127; 140; 144; 360; memory of, and France II-303; military skill II-275; and Moore, Thomas II-4; 5; Moore's "O, Breathe not His Name" II-260; mother's death II-233; mother's visit in prison II-132; 133; "My Own Land, I Love H'er Still" II-240; and Napoleon II-29; 30; at Newgate II-137; 220; Newgate, support in, charge for II-229; Newgate, support in, charge for, facsimile II-facing 229; nom-de-plume II-11; and Noms II-43; 44; 82; 83; and Norbury II-87; 224; 227; and Norris II-61; 83; note-book, facsimile pages II-facing 7; objects .II-96; and O'Connor-Emmet dispute I-338; II-23; and O'Grady, Standish II-122; at Oswald's school II-3; and Mrs. A. Palmer II-32; 78; 117; 125; and Miss B. Palmer II-62; J. Palmer, confession to II-204; pardon, Government offer II-133; pardon rejected II-134; in Paris II-25; Patrick Street depôt II-64; Patrick Street depôt abandoned II-97; Patrick Street depôt, explosion 49; 73; 95; 175; 559; and Patriots of 1798, II-69; and Patten, John II-9; 43; 78; and the Perrots II-39; Petrie's sketch II-254; 255; Petrie's sketch, facsimile II-facing 253; pikes, concealment of II-63; pikes, Farrell's testimony II-183; pikes, jointed, devised by II-65; pikes, number prepared II-104n; and Pitt II-29; 94; 245; 251; on Pitt's misgovernment II-54; "Plan of Insurrection" II-91; 232; 555-60; poetic ability II-5; 11; poisoning II-6; 7; political principles, Government report II-95; popularity I-182; II-9

Emmet, portraits II-7; 253; 326; Brocas II-frontispiece; 256; 257; 259; enlarged facsimile II-facing 258; 328; Comerford II-253; facing 254; 257; 327; on Government broadside II-258; in Guiney's Life II-258; Levins II-259; Mulvany II-255; II-256; Petrie II-257; popular in Ireland II-254

——, precocity II-3; 4; "Press", contributions to I-231; Proclamation of Provisional Government II-117; 176; 197; 225; 547; 553; professions barred to II-9; projects I-xx; II-10; and Protestants II-112; Quaid's work I-175; and Quigley II-39; 45; 84; 85; 96; 203; 204; 308; 309; Ragheen lands interest II-387; on rebellion II-276; and Rebellion of 1798, II-21

——, *Rebellion of* 1803 II-x; 29; 94; 222; 225; delay opposed II-50; origin II-53; 215; outbreak II-51; plans II-46; 52; 54; 58; 61; 62; 71; 74; 81; 97; 106; 107; 267; Plunket on II-204; preparations, Government knowledge of II-42; 250; responsibility II-227

—— and Redesdale II-122; and Redmond, Denis II-73; religious tolerance II-7; 276; return to Ireland II-106n; 159; 215; return to Ireland, Lawless' testimony II-216; return to Ireland, Plunket on II-202; return to Ireland, Rawlins' testimony II-171; rising precipitated II-108; "Robert Emmet and His Contemporaries" II-273; rocket test II-72; and Rourke II-39; and Russell I-269; II-39; 70; 96; and sciences II-6; seal ring, Byrne I-368n

——, *seals* II-23; 235; (ill.) II-facing 234; and Emmet, Richard S. II-235; and Emmet, T. A. II-235; and Dr. Madden II-235; and Patten II-235; presented to priest II-234; for United Irishmen II-21; 22; for United Irishmen (ill.) II-facing 22

——, sentenced II-214; 216; 218; Seven Years War, study of history of II-275; Shelley's poem II-300; 301; 561; signature to father's poems I-165n; sketches

II-234; sketches, facsimile II-facing 21; skull, Petrie's possession II-260; Southey on II-298
Emmet, speech II-98; 150; 222-226; actual terms not preserved II-213; broadside II-226; Buchanan II-214; Byron II-228; Cox's version II-229; effect II-228; Glynn on II-228; Government version II-217; 227; 258; Government version, facsimile II-facing 257; Hayden on II-214; in "Hibernian Magazine" II-229; Johnstone II-227; Dr. Macabe II-214; and Dr. Macartney II-215; Madden II-213; 220; 226; 228; 229; Marshall II-220; 221; Mason on II-141; misrepresented in France I-372; 374; 375; II-257; Norbury II-214; 215; 224; 225; 226; O'Grady on II-213; popular version, and Dr. T. A. Emmet II-220; Ridgeway's report II-213; II-229; Southey's poem on II-299; versions II-219
——, and spies II-49; 83; 94; 118n; and Mme. de Staël II-7; and Stafford II-39; II-45
——, *State papers concerning* II-243; 245; 247; 249; Burke's investigations II-244; disappearance of II-248; and English Record Office II-250; Marlborough II-249
——, and State prisoners of '98 II-22; and Stockdale II-39; at Tallaght II-212; and Talleyrand II-29; 49; and tanning trade II-9; teaching II-332; Thomas Street depôt abandoned II-97; and Trevor I-511; II-234; 292
——, *trial* II-145-209; Mrs. Bagnall's testimony II-194; 212; Brady's testimony II-190; and Burrowes II-157; 216; Colgan's testimony II-179; 203; Comerford at II-254; counsel for the crown II-216; crown solicitors II-216; and Curran, J. P. II-149; Daly II-156; Darley's testimony II-187; no defence II-147; 201; 215; desk identified II-177; 180; 187; "Devil's Brief" II-146; "Devil's Brief", facsimile II-facing 146; dock, location of II-222; Doyle's testimony II-193; 212; duration of II-229; T. A. Emmet's letter II-163; Evelyn's testimony II-187; evidence, Plunket on II-202; Farrell's evidence II-182; 203; Fleming's evidence II-174; 203; M. Frayne's testimony II-173; 187; French aid, Plunket on II-206; Baron George II-156; Government, admonition to II-199; Government right to reply II-201; 202; Government trickery II-248; Grand Jury II-145; "Hibernian Journal", report of II-150; judges II-156; jurymen challenged II-157; 218; jury selected II-157; T. Kemmis II-216; W. Kemmis II-216; Lindsay's testimony II-187; McClelland II-216; MacDonagh on II-149; and McNally II-149; 157; 184; 213; 216; Madden on II-214; Mayne II-216; newspaper account, facsimile II-236; and Norbury II-156; Norbury's charge to jury II-211; and O'Grady II-149; 213; 216; 218; O'Grady indictment II-157-170; Palmer's evidence II-194; place of II-148; plea of not guilty II-157; and Plunket II-149; 216; Plunket's address II-202; prearranged II-248; prisoner's counsel II-216; Proclamation of Provisional Government II-196; 197; 212; Rawlins' testimony II-171; Rice's testimony II-184; and Ridgeway II-216; Ridgeway's report II-150; Robinson's evidence II-194; Special Commission II-156; Sirr's evidence II-198; Thomas St. depot, evidence found II-163; 204; and Townsend II-216; Tyrrell's testimony II-172; Vassal's evidence II-186; verdict II-213; 218; 225; Wilson's testimony II-188; witnesses against II-133; 212
Emmet, "Trial and Dying Behaviour of", Government broadside II-218; at Trinity II-4; Trinity College, dismissal from I-182; II-8; 9; 106; Trinity College, resignation rejected II-8; "Two Ships", poem II-13; uniform II-110; 162; 177; 183; 193; 194; 196; 289; and Union, Anglo-Irish II-23; 62; and United Irishmen I-333n; II-8; 21; 96; 105; 116; 219; verses II-5; 15; 242; watch, bequest of II-232; 237n; and White, Samuel II-3; and Whitty II-274; 275; 277; Whitty's Life II-273; 278; Whitty's Life, facsimile page II-facing 276; and Wickham II-122; Wickham, letter to II-126; 143; 232; 233; Wickham's report II-43; writings II-242; and Wycombe II-40; and Wylde II-39; yeomanry, view of II-167
——, Robert, Judge (b. 1792), son of T. A. Emmet I-562; and Blennerhassett I-455n; childhood I-281; 284; 285; 287; 288; 289; 299; 330; 391; Comerford's miniature painting of R. Emmet II-253; Emmet, Robert, bequest from II-232; 237n; and R. Emmet's grave II-285; T. A. Emmet's bust I-535; and T. A. Emmet's rejection of solicitor-generalship I-150; at Fort George I-277; 277n; Hibernian Relief Society, honorary member of I-501; King, Charles, letter from I-496; Le Roy, Elizabeth Emmet, letter to I-438; 439; 444; 446; on Macneven I-277n; and Macready I-467; Macready, letter from I-468; marriage I-437; and Napoleon's answer to memoir I-386n; and seal of United Irishmen II-22; young manhood I-443
——, Robert Temple, Lieut., and seal of United Irishmen II-22
——, Rosina (Mrs. Robert) I-440; 444
——, Stephen (d. 1735), Middlesex II-345
——, Temple. *See* Emmet, Christopher Temple
——, Thomas (d. 1588), of Plymouth I-152
——, Thomas (d. 1734), Middlesex II-345
——, Thomas (d. 1738), Middlesex II-345
——, Thomas Addis (b. 1764), son of Dr. R. Emmet I-180; 272; II-341; on aerial acid I-203; II-363; agency in Paris I-339; 340-380; II-80; and Aherne

(Capt.) I-356; and Aherne (physician) I-356; alienage I-414; anonymous article ascribed to I-241; appearance and deportment I-521; appearance, Hall on I-404; Arcularius case I-420; 421; II-509-13; arrest I-248; 318; 322; 483; 507; II-8; Astor suit I-471; 496; 509; as attorney-general of New York I-424; 483; 488; 509; and Augereau I-388; B. A. degree I-202; and Ballyellis yeomanry II-61; and Bar, American I-512; and Bar, Irish I-206; 483; Bar of N. Y., admission plea I-395; Bar of New York, admission to I-404; 406; 483; Bar of New York, memoir of I-505; Bar of New York, memorial tablet I-535; and Judge Benson I-478; and Berthier I-351; 353; 354; 358; 359; 363; 364; 375; 376; Berthier, letter to I-373; 374; birth I-202; 506; birthplace I-487; and Blennerhassett I-406; 407; 455n; and Bond I-318; and Bonneville I-361; 363; 365; 369; and Mme. Bonneville I-426; Browerre's bust of I-482; 535; at Brussels I-331; 333; 335; Bryant, William C. on I-493; burial, in Jones vault I-530n; burial, St. Mark's Church I-482; 530n; and Burr I-424; and Burrowes, Peter I-156; 163; 409; 512; and Byrne I-368; 368n; II-60; 61; 80; 87; and Campbell II-64; career in Ireland I-511; Carhampton (Satanides), letter to I-238; and Casino I-185; II-225n; and Castlereagh I-212; 264; 510; 511; 531; II-23; and Catholic belief I-464; and Catholic Emancipation I-xix; 463; 533; 538; 546; 549; 557; character I-206; 474; 480; 487; 494; 500; 502; 522; 524; 527; characteristics I-543; chemistry, taste for I-203; children I-437; children surviving his death I-562; and Clinton, De Witt I-395; Clinton, De Witt, facsimile of plea before I-facing 399; Clinton, De Witt, projected eulogy I-529; and Clinton, George I-395; and Cloncurry I-226; and Cloney II-67; and Colden I-404; 410; 456; and Coleman, Wm. I-494; college career I-205; and College Historical Society I-512; Comerford's portrait of R. Emmet II-253; on commerce, Irish II-458; 470; criminal code, Irish II-469; Commercial Advertiser on I-479; and Committee of United Irishmen I-376; 377; 384; 385; and Corbet, Thomas I-359; 365; 366; and Corbett, William I-418; 493; 494; and Curran, John Philpot I-518; 522; II-272; and Dalton I-340; 341; 343; 344; 345; 348; 349; 350; 357; 359; 360; 361; 362; 363; 364; 365; 369; 373; 374; 375; 376; 378; 379; 384; 385; "De aere fixo" I-203; II-363

Emmet death I-470; 509; 515; and Albany Bar I-492; "Albion" on I-487; "Argus and City Gazette" (Albany) on I-492; and Bar of New York I-479; 485; and Bleecker, Harmanus I-492; and Board of Aldermen, New York I-530; cause I-473; and "Commercial Advertiser" I-477; and Common Council I-475; "Courier" on I-476; and Court of General Sessions, New York I-476; and Cuming, George I-490; "Daily Advertiser" (Albany) on I-503; and Judge Duer I-492; and "Evening Post" (New York) I-472; 473; 501; and Henry, John V. I-492; and King, James I-492; "London Times" on I-501; and Macneven I-490; "Recorder and Telegraph" (Boston) on I-479; "Truth Teller" on I-483; and Judge Van Rensselaer I-492; and Van Vechten, Abraham I-492; and White, C. P. I-490

Emmet, and Delaney I-346; deportment at the Bar I-521; Despard's memorial verses I-558; descendants I-160; Diary I-335; 340-380; and Lord Dillon I-507; diploma, facsimile I-facing 206; and Directory of United Irishmen I-246; 317; 507; II-461; and Donzelot I-378; 388; and Dowdall I-375; W. S. Duane eulogy I-503; "Dublin Journal" on I-323; duel with O'Connor averted II-23; Duer on I-549; 550; at Edinburgh University I-203; 204; and Edkins collection I-195; education I-202; 203; 204; 483; 506; eloquence I-472; 494; 500; 509; 515; emigration I-483; 508; and Emmet, Catherine I-437; Emmet, Grace Russell, will II-342; II-384; J. P. Emmet's bust of I-468; 535; J. P. Emmet's bust of (ill.) I-facing 535; Emmet, Mary Anne (Mrs. Graves), letter from I-453; and Dr. Emmet II-89; on Dr. Emmet's death I-186; Dr. Emmet's legacy I-184; Dr. Emmet's will I-184; Dr. Emmet, letters from I-289; 290; 293; and Emmet, Robert I-xx; 333; 333n; 372n; II-105; 222n; Emmet, Robert, last letter from II-232; 234; 239; and R. Emmet's "Plan" II-555; T. A. Emmet, Jr., on I-511; and Erskine I-522; Essay on the History of Ireland I-73; 278; I-514; "Evening at Home" I-439; and "Evening Post" (New York) I-413; 493; examination, Parliamentary I-252; 253; 261; 320; 507; II-278; 455; 461; 465; 473; exile I-556; family letters to I-181; 280; family pride I-157; and Fenians I-x; H. M. Field on I-525; fire in cell I-276; first case in America I-491; 508; 543; and Fitzgerald, Lady A. II-90; and Fitzgerald, Lord Edward I-x; II-470; Fitzgerald on I-232; and Foot I-520; at Fort George I-272; 273; 274; 327; 328; 488; 507; 523; 550n; at Fort George, family letters I-280; at Fort George, mathematical studies I-278; Fort George, release from I-314; 508; Fowler *vs.* Carver case I-471; in France I-508; and Francis, John W. I-474; and French aid I-x; 179; 246; 268; 317; 335; 337; 366; 374; 393; 401; and French Government II-61; French negotiations I-335; and French Revolution I-179; and Fulton I-357; 427; 427n; 428; II-523; Fulton-Livingston suit, legal opinion II-515

Emmet, funeral I-479; I-512; and Columbia College I-530; "Commercial Advertiser" on I-482; "Evening Post" (New York) on I-484; Grace Church, New York I-530; A. S. Hewitt on I-530; Macneven on I-491; Madden on I-532; "Morning Courier" on I-484; and New York Corporation I-480; pall bearers I-486; procession I-480; 482; 486; and Dr. Wainwright I-482

——, and Gallagher I-342; 342n; and Garat I-371; and Geneva College I-476; 491; Gibbons *vs.* Ogden case I-459; Goodwin trial I-436; II-529; and Government, agreement with I-250; 251; 255; 415; Government grant II-344; Government reports, protest I-262; 321; 322; and Grand Assize of New York I-491; and Grattan I-xx; xxi; 488; and Greenwich village Irishmen I-464; 465; 466; Greenwich village Irishmen, testimonial I-465; Greenwich village Irishmen, testimonial (ill.) I-facing 465; Miss Guiney on I-190; C. G. Haines on I-474; 517; 523; Hall on I-403; 421; at Hamburg I-330; and Hamilton II-308; 308n; and Harper, R. G. I-521; and Harty I-344; 349; 351; 353; 356; 357; 374; 380; J. Harvey on I-499; Countess d'Haussonville on I-228; and Henry I-521; Herbert's portrait of I-301n; and Hewitt, Abram S. I-529; 530; Lord Holland on I-229; in Holland I-330; and Holmes, Mary Anne Emmet I-326; and Holmes, Robert II-320; home life I-439; and Horry I-392; and Hudson, Edward II-326; illness, last, "New York American" on I-472; imaginative powers I-519; imprisonment I-264; 265; 315; 318; 328; influence I-317; 328; and insurrection I-317; intellectual attainments I-205; 509; 518; Ireland, devotion to I-484; on Irish history I-6; and Irish Americans I-490; and Irish-American memorial I-491; and Irish independence II-457; and Irish regiment in New York I-424; Jackson's trial I-507; "J. B. S." on I-505; 509; and Keogh I-488; at Kilmainham I-326; 510; II-489; and King, Rufus I-xx; 157; 410; 411; 412; 415; 416; 417; 420; 508; 508n; and Knox, George I-267; and Kosciuszko I-392; and Lafayette I-458; last case I-471; 491; last case, and "Evening Post" (New York) I-471; Latinity I-204; and Lawless I-37n; 388; as a lawyer I-206; 223; 404; 420; 481; 488; 493; 500; 501; 508; 518; 522; 524; 525; as leader I-145; Lecky on I-xvi; xx; legacy II-44; 342; Mrs. Lenox-Conyngham's verses in memory of I-554; Mrs. Lenox-Conyngham's "The Righteous Perisheth" I-555

——, *letters:* to Baldwin, Henry I-429; Blennerhassett, Harman I-422; Burrowes, Peter I-409; Emmet, Catherine I-313; Emmet, Robert II-117; 163; Mrs. Robert Holmes I-310; 314; Lord Hope I-311; King, Rufus I-413; Lawless, L. I-451; Le Roy, Elizabeth Emmet I-431; 434; 450; 454; Le Roy, Wm. H. I-452; McIntyre, Archibald I-425; McCormick, Joseph I-393; Macneven I-331; 333; 384; 387; 388; 389; Mrs. Macoubry I-165; 222; facsimile I-facing 222; Ormsby, Stephen I-424; 425; Partridge I-426; Patten, John I-437; Rowan, A. H. I-331; 467; Russell I-266; Sampson, William I-435; Thompson, Smith I-456; Tillary, James I-408; Tone, T. W. I-214; Yates I-430

Emmet, Lewis vs. Few I-421; LL.B. degree I-203; "London Courier" on I-323; and McCormick I-392; and McDonnell I-364; 377; and Macneven I-394; 488; W. J. Macneven on I-502; and Mrs. Macoubry I-222; and Macready I-467; 469; and McSheehy I-360; Madden on I-177; 188; 205; 206; 229; 280; 335; 337; 390; 512; II-xiin; manifesto, Buckingham on I-312; and Manumission Society I-543; marriage I-220; marriage settlement II-383-392; Mason on I-274; 337; M.D. degree I-203; 506; mechanical skill I-438; medical career I-206; 203; medico-legal knowledge I-424; and Medical Society of New York I-408; memoir to Government I-243; 252; 272; 318; 324; II-443; memoir on Irish Union I-261; memorial tablet inscription I-535; memorial tablet inscription, translation I-536; memorial tablet inscription, "U. S. F." on I-536; memorial verses by "Mary" I-497; memorial verses, by "Pierre" I-488; memorial verses, N. Y. "Truth Teller" I-489; Miranda case I-408; 515; II-497; Mitchell, S. L. on I-513; 514; 203; Mitchell, Samuel L., discourse published I-513n; Mitchell's eulogy of I-491; S. L. Mitchell's verses on I-515; 516; modesty I-206 213; 328; 464; "Montanus" letters I-xviii; 233; 234; "Montanus" letters, facsimile page I-facing 234; "Montanus" letters" text II-393-423

——, *monument* I-490; 531n; 534; 549; astronomical inscription I-542; collectors I-497; and Baldwin, Charles I-495; Boston meeting I-499; and Colden, C. D. I-495; "Commercial Advertiser" (New York) I-495; and Cuming, George I-496; 550; and Daily Advertiser (Albany) I-495; description I-538; 553; Despard on I-556; disintegration of stone I-553; and Dolan, John T. I-499; Duer's inscription I-544; English inscription, author of I-539; English inscription, text I-540; and "Evening Post" I-490; I-495; 496; 499; expenses I-552; and Rev. Dr. Feltus I-499; and Friends of Ireland society I-544; Gaelic inscription I-542; 557; Gaelic inscription, translation I-557n; Giovanozza I-535; illustrations I-facing 543; facing 553; and Irish-Americans I-496; and Jay, Peter A. I-495; and Kent, James I-495; Latin inscription, author I-541; Latin inscription, text

I-541; location I-53; 538; 544n; location, letter in "New York American" I-537; 538; and McCarthy, Dennis I-499; and Macneven I-539; 547; Macneven's report I-543; 553; and Madden I-533; medallion likeness I-538; 553; New York Courier on I-539; and Ogden, David B. I-495; public meeting I-543; and Roosevelt, James J. I-495; and Sampson, William I-495; subscription committee I-538; subscription committee treasurer I-551; subscriptions I-544; 551; 552; unveiled I-539; Verplanck's inscription I-544; and White, Campbell P. I-496

Emmet, Thomas Addis, Mother, letters from I-186; 280-288; 291; 294-301; 303-309; facsimile I-facing 186

——, Mumford vs. McPherson I-408; and Murphy I-364; and Napoleon I-215; 336; 339; 343; 344; 345; 347; 361; 362; 374; II-64; 80; 219; Napoleon, memoir to I-364; 371; 375; 383; 384; 386; Napoleon, memoir to, reply I-386n; Napoleon, memoir to, reply, French text II-496; "narative", missing I-332; naturalization I-392; 392n; 481; and Neilson, Samuel I-xvi; 230; and "Nereide" case I-527; at Newgate I-249; newspaper contributions I-539n; in New York I-391; 488; 528; II-523; New York residence I-472; 477; 530; "New York Enquirer" on I-480; "Observations on the Conquest of Ireland" I-5; 249; and O'Connor, Arthur I-x; xi; xvii; xx; 317; 318; 319; 335; 336; 337; 338; 341; 342; 344; 346; 351; 353; 355; 357n; 359; 360; 361; 362; 365; 366; 369; 370; 371; 375; 378; 379; 488; II-22; 23; and O'Connor, Roger I-337; O'Driscoll, defence of I-228; offensive writing, theory I-323; oratorical ability I-204; 205; 519; 521; 522; 525; 527; oratorical ability, Duer on I-539; oratorical ability, "U. S. F." on I-537; and O'Reilly I-375; papers confiscated I-323; in Paris I-340-380; II-80; Patterson on I-550; and Patten II-61; and Paulding I-475; on penal statutes II-501; and Percival trial I-474; Phillips on I-181 physical characteristics I-205; and Pinkney, William I-460; I-520; and Pintard I-409; and Pitt I-511; as a pleader I-519; and Plunket I-262; I-263; poetical talent II-11; as a polemicist I-514; political views I-178; and poor, condition of II-469

——, *portraits,* Aubry (ill.) I-frontispiece; Herbert I-1; Le Roy, Elizabeth Emmet I-facing 453; Martin I-facing 391; Morse I-facing 517

——, and "The Press" I-231; 508; prison calendar I-264; prison employment I-265; prison privilege declined I-292; private life, Despard on I-556; projects II-10; as Protestant I-546; Quigley's secret examination II-308; rack rents II-469; and Randall will suit I-543n; and Randolph, John I-521; at Rathfarnham I-222; on Rebellion of 1798, I-227; 233; 246; 278; 549; II-459; and Rebellion of 1803, I-366; 367; 508; II-x; 61; 219; 305; on reform II-470; religious knowledge I-213; 464; religious tolerance I-xix; 213; 464; on republicanism II-508; and Republican meeting I-419; reticence I-156; Reynolds on I-228; and Rowan, Archibald Hamilton I-207; 330; 488; 522; 529; and Rutgers medical faculty I-469; and Sailors' Snug Harbor I-472; 496; 509; 543n; 557; Sampson on I-485; 528; 529; Sampson's projected biography I-529; Sampson reports I-408; "Satanides", epitaph for I-240; satirical verses on I-327; "Saturday Evening Post" on I-505; Savage on I-232; 269; scholarship I-202; seal of United Irishmen II-22; 235; and separation I-x; 317; 320; II-278; 458; 463; services underrated I-146; 328; on Sheares, John II-470; Shiel, Richard Lalor, letter from I-466; shrewdness I-405; and Simms, Robert I-400; Sirr purloins letters I-310; 313; and Smith, William S., defence I-408; 515; II-497; Smith *vs.* Elder I-421; and solicitor generalship I-xxi; 211; 510; 511; solitary confinement I-264; 313; 319; 323; 326; speech at Bar, first I-208; spelling of name I-423n; sportsmanship I-202; as State physician I-206; 506n; on State rights in United States II-520; "Statesman" (New York) on I-499; Stephen's Green residence (ill.) I-176; Joseph Story on I-526; 527; and Stuart I-276; 278; 314; and Supreme Court I-406; and Sweeny I-352; and Sweetman I-384; and Tandy I-207; 208; 211; teaching II-332; C. H. Teeling on I-512; and Judge Thompson I-522; tomb of, verses of M. G. Conway I-554; and Tompkins I-395; 406; 556; and Tone I-xvi; 214; 267; 268; transportation, prospect of I-282; 311; treason charge I-488; at Trinity I-202; and Truguet I-361; 362; 363; Trumbull on I-418; and Mrs. Tucker I-469; and Turner, Samuel I-337; 338; and Union, Anglo-Irish I-548; and United Irishmen I-xvii; 211; 212; 214; 278; 316; 317; 320; 342; 343; 344; 350; 351; 354; 355; 488; 507; 523; II-21; 457; 587; and United States I-308; 309; 331; 332; 389; 401; university standard I-202; veracity I-216; and War of 1812, I-556; warrant of release I-314; in Washington I-521; Webb on I-246; 247; 439; and White, Campbell P. I-431; and Williams, Elisha I-520; and Wilson I-442n; II-80; and Wirt, William I-521; writings I-xviii; 145; 213; 277; 332; 514; 515; 539n; Yates *vs.* Lansing I-423; and Young Irelanders I-x

Emmet, Thomas Addis, son of T. A. Emmet I-306; 402n; 562; childhood I-287; 288; 289; 292; 295; 296; 297; 299; 300; 304; 391; Emmet household effects II-328; Le Roy, Elizabeth Emmet, letter to I-441; Madden, letter to I-511; and

Madden's work II-xiin; marriage I-442n; 446; and Moore I-153; at school I-423; and Selden, Dudley I-441n; and Wilson, Edward J. I-442n; young manhood I-437
Emmet, Thomas Addis, brother of Mrs. Botha I-159
——, Thomas Addis, S.J., ancestry I-159
——, Thomas Addis, M.D., and Brocas portrait of R. Emmet II-256; and Burke, Sir B. II-243; 244; and Campbell, Ann II-38; and Comerford's portrait of R. Emmet II-253; Dillon's letter to II-330; at Dublin Castle II-243; duelling pistols II-23; and Emmet, Jane Patten I-559; Emmet, Robert, death mask II-22n; Emmet, Robert, seal II-235; Emmet, Robert, speech II-220; T. A. Emmet monument, plan for preservation of I-553; and Emmet papers II-30; 243; 249; Emmet vault II-289; Emmet vault memorial tablet II-287; and Esdaile, C. E. J. II-301; Esdaile, Percy C., letter from II-562; and Dr. Francis II-525; and Fuller II-32n; 291; 294; and Fulton's portrait II-523; Gaelic studies I-xiin; in Glasnevin cemetery (ill.) II-facing 284; and Mrs. Greatorex I-555; and Lord Hammond II-524; at Harold's Cross II-92; and Hewitt, Abram S. I-529; and Home Rule election fund II-329; 330; Irish affairs, knowledge of I-iii; on Irish in America I-vi; and Irish National Federation of America II-329; and Mrs. Lenox-Conyngham II-132; 321; and Dr. Madden I-177; Manifesto of the Provisional Government, text II-547; and Mulvany, J. II-255; and Neilson's grave I-231; portrait I-facing xxii; and Sullivan, F. J. II-241; 300; 561; Winthrop, Robert C., letter from I-394
——, William (b. 1646), of Plymouth II-347
——, William (fl. 1687), son of Maurice, of London I-151; II-346
——, William (d. 1738), Middlesex II-345
——, William (b. 1763), son of Dr. R. Emmet II-341
——, William Colville I-221; 449; 453; 562
Emmet Hall, Lancashire I-151; II-346
"Emmet Papers", by Godfrey K—n II-273; Whitty II-278
Emmet Press II-332
Emmett, spelling I-423n; II-337
—— Family, arms (ill.) I-149
——, Agnes (1654), daughter of Tristram II-347
——, Agnes Rogers (Mrs. John), of Plymouth II-347
——, Alexander (1641) II-345
——, Alexander (1642) II-345
——, Anne (Mrs. Thomas), of Bulgadeen II-339
——, Anne Rabey II-346
——, Anthony (1690) II-346
——, Benjamin (1704), London II-344
——, Edward, Devon II-344
——, George (1690), Middlesex II-346
Emmett, George (1704), London II-344
——, George, (1708), Middlesex II-344
——, George (1717), Devon II-344
——, Hester (b. 1629) II-347
——, Joane (b. 1634), of Plymouth II-347
——, Joane (d. 1643), of Plymouth II-348
——, Joane (d.1680), of Plymouth II-348
——, John (fl. 1715), of Dublin II-343
——, John (fl. 1599), of Plymouth II-347
——, John (d. 1645), of Plymouth II-348
——, Lancelot (1682) II-346
——, Margaret, of Plymouth. *See* Way, Margaret Emmett (Mrs. William)
——, Margaret Thomas (Mrs. Richard) II-347
——, Martha, daughter of Wm. Emmett II-345
——, Martyn (b. 1631), of Plymouth II-348
——, Mary Ford (Mrs. Peter) II-348
——, Maurice (1692), Middlesex II-346; 347
——, Peter (d. 1662), of Plymouth II-348
——, Peter (d. 1673), of Plymouth II-348
—— (or Emotte), Richard (fl. 1627), Plymouth II-347
——, Richard, son of Richard and Jane Emmet II-349
——, Thomas, of Bulgadeen, intestacy II-339
——, Thomas, Kent II-344
——, Thomasin of Plymouth. *See* Pergelly, Thomasin Emmett (Mrs. Timothy)
——, Tristram (d. 1675), of Plymouth II-347
——, William (fl. 1597), of Stratford-on-Avon II-337
——, William (d. 1646), of Surrey II-345; 346
——, William (d. 1764), of Cork II-343
Emmiott, Alexander, of Plymouth II-348
Emmit, spelling II-337
—— family, of Frederick, Md. I-155
Emmitsburg, town, origin of name I-55
Emmitt, spelling II-337
Emmot family, coat-of-arms I-149
——, Alice Beril (Mrs. Joseph) II-348
——, John, of Kildare II-342; 342n
——, Joseph (1666), of Plymouth II-348
——, Richard (d. 1692), of Plymouth II-348
——, Robert, of Ilfracombe II-347
——, William (fl. 1705), of Dublin II-342; 342n
——, William (b. 1620), of Ilfracombe
Emmott family, arms I-149; arms (ill.) I-149; spelling of name I-151; II-337; of Emmott Hall, pedigree II-facing 347; Lancashire, coat-of-arms II-347
—— Hall, Lancashire I-149; 151; II-347
——, General, of East India service I-159
——, Anne, of Plymouth. *See* Clarke, Anne Emmott (Mrs. Ferdinand)
——, Anne Thompson (Mrs. John) II-342
—— (alias Taylor), Alexander (1677) II-346
——, Elizabeth (Mrs. John), of Dromard II-340

Emmott, Elizabeth, of Dublin. *See* Taylor, Elizabeth Emmott
——, George (1658), York II-345
——, George (fl. 1760) II-343
——, John (d. 1696) of Dromard II-340
——, John (fl. 1715), of Dublin II-342
——, John (fl. 1704), Exeter II-346
——, John (1691), Middlesex II-346
——, Mary, marriage I-149
——, Robert (d. 1650), of Kent II-345; 346; and American Emmets II-347
——, Sophia II-343
——, Thomas (d. 1619) I-149
——, Thomas (1760) II-343
——, William (d. 1647), London II-345; 346; and American Emmets II-347
——, William (d. 1645), Southampton II-345
——, William (d. 1654), York II-345
——, William (or Walter, 1690), Middlesex II-346
——, Alice (d. 1677) II-346
Emmotte, Dorothy (b. 1611), of Ilfracombe II-347
—— (alias Taylor), John, of Circencester II-346
——, Richard (1601), of Ilfracombe II-347
Emot, mansion of II-337
——, spelling I-151; II-337
—— family (of Colne), arms I-150
——, John (d. 1674), of Ilfracombe II-347
——, Robert de (d. 1310) I-190; II-337; arms I-150
——, Robert (fl. 1606), of Ilfracombe II-347
——, Thomas (d. 1642), of Ilfracombe II-348
Emott family, arms (ill.) I-149
—— (Emmott) family, of Lancashire, American branch II-347
—— family, of Poughkeepsie, ancestor II-345
Emott, ——, (1664), of Barnstaple II-346
——, Anthony (fl. 1655) II-345
——, Catherine, of Plymouth. *See* Robbins, Catherine Emott (Mrs. Robert)
——, Cicely. *See* Libone, Cicely Emott (Mrs. George)
——, Elizabeth Dyers (Mrs. Richard) II-347
——, Elossoboth (b. 1655), birth record I-154
——, Honri (Henry) (b. 1653), birth record I-154
——, James, of New York (fl. 1679) and Capt. Kidd I-288n
——, James (fl. 1686) ,York II-345; settler in Perth Amboy I-154
——, James, Judge (d. 1850), of Poughkeepsie I-154
——, John (d. 1617), of Ilfracombe II-347
——, John (1652), Middlesex II-345; II-347
——, John (b. 1658), birth record I-154
——, Lancelott (fl. 1656), brother of Nicholas II-345
Emott, Mary (b. 1628), of Ilfracombe. *See* Skinner, Mary Emott (Mrs. Richard)
——, Nicholas (d. 1656), Middlesex II-345; 346
——, Nicholas (. 1659), Kent II-345; 346
——, Philip (d. 1616), of Ilfracombe II-347
——, Richard (fl. 1664), of Barnstaple II-346
——, Richard (b. 1604), of Ilfracombe II-347
——, Susan Gybeon (Mrs. William) II-348
——, William (d. 1647), of Ilfracombe II-348
——, William (d. 1668), of Ilfracombe II-348
Emotte, Agnes (fl. 1604). *See* Hooper, Agnes Emotte (Mrs. John)
——, John (d. 1597), of Ilfracombe II-347
Emyott, Alexander (fl. 1664), of Plymouth II-348
——, Hannah (b. 1664), of Plymouth II-348
England, and American alliance I-iv; commerce, origin of I-36; commercial policy, Pitt on I-62; constitution, and general policy I-36; emigrants, Irish I-vii; and Emmet, Robert II-x; and R. Emmet's memory II-ix; and English colonists in Ireland II-549; and Fenians I-xi; and France II-419; and France, peace negotiations I-344; 345; 346; 349; 352; 361; 362; 363; 364; 385; 389; 394; and France, war with I-380; 381; 508; II-79; 159; and French invasion of Ireland I-341; 342; 343; 351; 354; 382; and French Revolution I-506; and French spies I-215; German rivalry I-v; government, basis of I-15; government, form of I-111; greatness, origin of I-36; Habeas Corpus, renewal of I-297
——, *and Ireland* I-xiv; 29; 36; 224; 228; 236; 548; II-278; 300; commerce I-37; 38; 547; II-576; conquest of I-31; 37; disunion promoted II-399; history, perversion of I-6n; II-473; Holmes on II-586; Home Rule II-279; imperial government of I-53; independence I-xiii; 27; II-222; legislation for I-26; 28; literature II-210; oppression I-506; 549; oppression, Proclamation of Provisional Government II-547; popular prejudice against I-43; prosperity II-333; rebellion II-427; separation from, projected I-x; submission of I-12; taxes, "Home Rule" provision II-279
——, and Irish Brigade I-349; legislative supremacy, right of I-39; liberty, origin of I-36; maritime supremacy I-42; II-419; 426; mercenaries in Ireland II-406; merchant marine I-v; and Napoleonic invasion I-243; 387n; national development I-11; Norman ascendancy I-v; vi; Norman conquest I-219; Parliament, Irish, domination of I-224; policy, general I-36; rivalry, Irish I-40; 43; 46; 214; seal of, and viceroy of Ireland I-208; 210; treachery I-xi; tyranny,

cause of I-39; 41; tyranny, object of I-35; Union I-xv; 316; II-576; and United States I-iii; v; Whigs I-326; world dominion I-iv
England, Church of, in Ireland. *See* Ireland, Established Church of
——, John, Bishop of Charleston, Emmet monument, Gaelic inscription I-542; 544
English, Thos. Dunn, on *Fag a bealac* I-vii
English garrison, at Dublin II-79
Enniskillen, Lord, and Hamilton II-308
Ennott, Thomas, of Capagh II-340
"Erin's Call", poem by R. Emmet II-6
Erskine, Thomas, Baron, and Emmet, T. A. I-522; and O'Connor I-324; as an orator I-519
Esdaile family, Shelley MS. II-300
——, C. E. J., Shelley MS. II-301; 562
——, Percy C., Dr. T. A. Emmet, letter to II-562; Frank J. Sullivan, letter to II-562
——, Rev. Wm., F. J. Sullivan's letter to II-561
Essex-street, Dublin, in Emmet's "Plan" II-558
Established Church of Ireland. *See* Ireland, Established Church of
Establishment, Ecclesiastical, and United Irishmen I-320
"Euergetes", pseudonym I-231
Evans, George, of Ballyadinfox II-339; Emet lands purchased by II-339
Evans, Hampden I-376n; and Byrne I-368n; II-80; and United Irish Committee I-376; 377
Evelyn, Henry, and "Devil's Brief" II-147; Emmet trial, evidence II-187
"Evening", poem, by Dr. Robert Emmet I-166; Mr. Clarke's criticism I-166
"Evening at Home", drawing I-439; facsimile I-facing 439
"Evening Mail", Dublin, Holmes, death of II-320
"Evening Post", Dublin, Holmes, death of II-320; untrustworthiness of II-45
"Evening Post", New York, newspaper, Bryant's editorship I-494; Coleman's editorship I-413n; and Emmet, T. A. I-413; 493; 501; on T. A. Emmet's death I-472; 473; 479; on T. A. Emmet's funeral I-484; and T. A. Emmet's last case I-471; on Emmet memorial I-490; 495; 496; 499; Emmet memorial verses I-497; 503; Fowler *vs.* Carver case I-471
Executive Directory of United Irishmen. *See* Directory of United Irishmen
"Exile to His Country", poem, by M. A. Emmet II-314

"Fag a Bealać", battle cry I-vi; Napier on on I-vii
"Fag a Bealać Boys" I-vii
Fagan, John, and Emmet monument I-551
Fair Street, New York, Emmet residence I-438
Falkiner, C. Litton, on Fitzwilliam's recall I-215; historical accuracy I-218; on Tone I-270
Fane, John, Earl of Westmoreland. *See* Westmoreland
Farnborough, Charles Long, 1st Baron. *See* Long
Farnham, residence I-301; 301n
Farnham, Lord, death I-288
Farrell, James, Hamilton, testimony concerning II-308n
——, Lewis II-338; 339
——, M., M.D., State prisoner II-493; 495
——, Martha Emet (Mrs. Lewis) II-338; 339
——, Patrick, and "Devil's Brief" II-147; and Emmet, Robert II-182; 208; Emmet trial, testimony II-182; 203; Emmet, refusal to identify II-118; pikes, evidence concerning II-183; and Quigley II-182; 184
Featherstone, collector, and Romney's portrait of S. Curran II-268
Federal party, in New York I-410
"Felon, Irish", newspaper II-586
Fellows, Board of, of Trinity, R. Emmet's letter to II-8
Fencibles, outrages I-226
Fenians, and Emmet's views I-x
Fenton Fields, Dublin, in Emmet's "Plan" II-557
Fermoy, Col. Philip Roche, on Irish in America I-ix
Feudalism, in Ireland I-37
Few, Editor, trial for libel I-421
Finerty, Pat, and Congreve rockets II-84; as informer II-84
Fingal, Lord, and Catholics II-111; and Catholic Committee I-84; loyalty II-111
Finlay, Colonel, and Marsden II-103
——, Elizabeth. *See* Dufferin, Elizabeth Blackwood, Baroness
——, Henry I-300n
Finney, ——, State prisoner II-493
Finucane, Justice, Emmet indictment II-145
Fire balls, in Emmet's "Plan" II-557
First National Battalion, formed I-93
Fitch, John, steam rights, New York grant II-517
Fitzgibbon, John. *See* Clare, Earl of
Fitzgerald, Lady Anne I-281n; and Carlton II-90; descent of II-89; and Emmet family I-176; 281; 282; 283; 305; 305n; II-90; and Emmet, Robert II-88; 89; 90; 91; and Emmet, Robert, M. D. II-89; and Emmet, T. A. II-90; and Hardwicke II-89; Hardwicke, letter to II-88; Latouche, letter to II-89; loyalty II-89; 90; 91; and Rebellion of 1798, II-91; and Lord Wycombe II-91
——, Davie, and M. Byrne II-80
——, Edward, of New Park I-350; 350n
——, Lord Edward, arrest I-247; and Brissotins I-115; Cloncurry on I-226; death I-247; 249; and Emmet family I-176; R. Emmet on II-62; and Emmet, T. A. I-x; Emmet, T. A. on II-470; and French aid I-324; and French spies I-215; and Gallagher I-342n; Countess d'Haussonville on I-229; Holland on

I-247; and insurrection I-317; and military organization I-xvi; Moore's Life of II-4; and Moran II-238; at Newgate I-249; and O'Connor, Arthur I-324; proclamation opposed by I-95; and Reynolds I-247; 507; and separation II-278; and Sirr II-238; Taylor's Life of I-224; and United Irishmen I-225; 246; 247; and violent measures I-233; warrant I-507
Fitzgerald, George Robert, and Edkins collection I-195
——, Lord Henry, on Lord Edward's imprisonment I-249
——, Maurice, Knight of Kerry I-281n; 305n
——, William, and T. A. Emmet memorial I-497
Fitzhenry, Jeremiah II-344; 344n
Fitzmaurice, Miss, and Emmet family I-301
Fitzpatrick, William John, on Emmet family vault II-285; on Emmet, Robert, burial place II-282; on Emmet, Thomas Addis I-232; on French spies I-215; on Napoleonic invasion of Ireland I-387n; on Pitt I-216; on Turner, Samuel I-338
Fitzwilliam, William Wentworth, Earl I-121; 226; and Beresfords I-124; 510; and Lord Carlisle I-119; I-124; and Catholic Emancipation I-122; 123; 127; and Clare I-217; Falkiner on I-217; Montanus on II-396; 407; and Parliamentary reform I-131; and Pitt I-216; II-397; and Portland I-120; 124; powers I-121; 126
Fleming, John, arrest II-179; and Colgan II-180; and "Devil's Brief" II-147; Emmet trial, testimony II-174; 203
Flood, Henry, and reform I-223
Fontenay, Marquis de, and Emmet family I-281; 281n; 292
——, Marquise Gabrielle de, and Emmet, Robert II-25; 26
Foot, ——, and T. A. Emmet I-520
Forbes, Treasury board bill I-126
Ford, Mary. *See* Emmett, Mary Ford (Mrs. Peter)
——, Pat, and Byrne II-76; and Emmet, Robert II-76; and Rebellion of 1798, II-76; and Rebellion of 1803, II-76
Foreign Affairs, French Office of, and Irish expedition I-341; 342
Forrest, Edwin, and Macready 467n; *Cf.* Astor House Riot
"Fortesque", pseudonym I-231
Fort George, Emmet, Jane Patten I-275; I-282; Emmet, Robert, visit II-22; Emmet, T. A. I-277; 280; 327; 328; 488; 507; 508; Mason, St. John I-274; I-337; Neilson, Samuel I-230; O'Connor, Arthur I-272; 319; 327; 335; 336; O'Connor, Roger I-336; State prisoners of '98, I-269; 271; 277; 314; 327; 337; 550n; Turner, Samuel I-338
Foster, John, Baron Oriel, and Protestant ascendancy I-90; and Tandy's suit I-207; and Union II-314
Fotherall, Col. S. E., and T. A. Emmet memorial I-497
Fowler *vs.* Carver, case I-471
Fox, ——, and Battalion of Testimony II-148n
——, Charles James, and Edkins collection I-195n; Emmet's essay I-294; Emmet's letter to I-323; and O'Connor I-324
——, Henry Edward, General, Grattan's letter to II-245; and Marsden II-102; and Rebellion of 1803, II-99; 101; 191; and Col. Vassall II-102
——, Henry Richard Vassall, 3rd Baron Holland. *See* Holland
France, army, Irish legion I-383; 385; 496; Bantry Bay expedition II-451; 467; Emmet, Robert II-78; R. Emmet's speech, Government version of II-218; 219; 257; T. A. Emmet's agency I-340; 343; and England, Irish aid II-397; and England, peace negotiations I-344; 346; 349; 361; 362; 364; 385; II-426; and England, war with I-380; 381; 508; II-79; 419; 453; and foreign nations, R. Emmet on II-223; and Ireland I-x; 75; 139; 179; 215; 243; 246; 259; 268; 317; 320; 324; 335; 339; 340; 354; 358; 359; 361; 363; 366; 369; 372; 374; 377; 379; 383; 385; 387; 401; II-61; 446; 450; 462; 467; and Ireland, Plunket II-206; Irish expedition I-270; II-451; Irish expedition and Emmet, Robert II-167; 219; 222; Irish expedition, Macneven's proclamation I-386; and Irish independence II-446; 452; 457; 461; and Rebellion of 1798, I-249; 260; and Rebellion of 1803, II-30; 105; 107; Revolution. *See* Revolution, French and Scotch patriots I-343; and Switzerland, Emmet on II-223; Texel armament II-453; 461; and United Irishmen I-132; 137; 139; 257; 333; 350; 351; 507; II-x; 4; 51
"Francesca", on Emmet-Curran love-letters II-269; 270
Franchise, and freehold I-111
Franchise Act (1793) I-217
Francis, John W., M.D., and Emmet family II-523; and Emmet, T. A., I-474; and Fulton's portrait II-523
——, Mott, M.D., and Dr. Emmet II-525; and Emmet portrait of Fulton II-525
—— Street, Dublin, insurrectionists II-85; in Emmet's "Plan" II-558
—— Street Chapel, Catholic assembly I-130
Franklin, Dr., of Lisburn I-105
——, Benjamin, on Irish in Pennsylvania I-ix
Fraser, Alexander, Emmet's body, search for II-286; 292; 293; 294; and Ormsby II-294
Frayne, Michael, and Butterfield-Lane house II-160; and "Devil's Brief" II-146; and Emmet, Robert II-172; Emmet trial, testimony II-173

Frayne, Michael Clement (Charles), and "Devil's Brief" II-147; Emmet trial, testimony II-187
——, Thomas, and Emmet, Robert II-39
"Frazer", Hamilton's alias II-308n
Frederick, Md., Emmitts I-155
"Freeman's Journal", Kearney's letter II-238
French, Sir Thomas, Catholic petition I-93
—— Revolution. *See* Revolution, French
"Friendship", poem to, by M. A. Emmet II-315
Friends of the Constitution, Liberty and Peace. *See* Peace, Friends of
—— of Ireland, Emmet subscription I-551; Brooklyn I-544; Charleston I-544; New York I-544; Savannah I-544
Froude, J. A., on Turner I-338
Fuller, J. F., and Brocas portrait of Emmet II-259; Cahill's statement as to Emmet's decapitation II-239; on R. Emmet's depôts II-47; R. Emmet portrait II-326; and R. Emmet's remains II-238; 286; 291; 292; 293; and R. Emmet's grave II-284; and Emmet, T. A., M.D. II-32n; 291; 294; and Mason family II-284; mural tablet designed by II-287; Provisional Government's broadside, text II-553; and Quaid II-292; and Trevor vault II-297; on Trevor's wealth II-295n
Fulton, Robert, artistic studies I-427n; Colden on I-428; death I-428; and Emmet family II-523; and Emmet, T. A. I-357; 427; 428; 429; II-523; and Emmet, Elizabeth (Mrs. Le Roy) I-427n; II-523; grant, T. A. Emmet's legal opinion II-515; lawsuits I-423; 427; and Livingston I-427; miniature, by himself (ill.) II-facing 527; 428; New Jersey legislation I-429; and Ogden I-458; in Paris II-523; portraits II-526; portrait by Miss Emmet II-facing 523; 525; 526; portrait by himself II-526; and Roosevelt I-429; Stanhope letter I-429; 430; torpedo II-523; 525; and West II-523; 525; Yates claims I-430
Furlong, Thomas, "Robert Emmet and His Contemporaries", reputed authorship II-273n

Gadsden, Christopher, surrender I-417
Gaelic language, and Hebrew I-150n; revival of I-xii; xiin
Gallagher, Patrick, lieutenant I-342n; and Emmet I-342n; 384
——, Mrs., and Emmet family I-368n
Galland, John, State prisoner II-491
Galway, W. G., Emmet juryman II-157
—— Bay, French expedition II-467
Gamble, Rev. Thomas, and Emmet, Robert II-218; 233; 236; 259; 319; and R. Emmet's body II-284; 296; and R. Emmet's grave II-283
Gannon, Father, and Humbert II-307
Garat, Dominique Joseph, Comte, and Emmet, T. A. I-361; and Irish expedition I-363; and Truguet I-362
Garland, James A., Col. Emmett, letters of I-155
Gates, Horatio, General, Horry's letter to I-392; Kosciuszko's letter to I-392
Geale, John, Emmet juryman II-157
Genet, Edmund C., Republican meeting I-419; and United States Government II-499
Geneva College, medical faculty, and Emmet I-469; 491; and T. A. Emmet's death I-476; and Mitchell's discourse I-513
"Genius of Erin", poem by R. Emmet II-16
George I, Act 6th, passed I-46; repeal I-xiv; 52; repeal, effects I-56
—— III, Southey on II-298
——, Baron, and Emmet family I-176; and Emmet, Robert, trial I-176; II-156
Gerard, Frances A., on R. Emmet and S. Curran II-265; on Irish reverence for Emmet II-267
Gerdwood, Diana Macoubry (Mrs. John) I-165
——, John I-165
——, Mrs. Sarah I-165
Germany, and English domination I-iv; militarism I-iv; ivn; poor in, and Irish poor II-469; rivalry with England I-v
Gibbons, Austen I-359; I-359n
—— versus Ogden I-459; 458
Gifford, Sheriff, trial I-294; and Volunteers I-113
——, Samuel, Junr., and Emmet's death I-475
Giovanozza, Emmet monument I-535
Glasnevin, Anne Devlin's grave II-35; R. Emmet's grave II-284; 287; Emmet, Thomas Addis, M.D. (ill.) II-facing 284
Glover's Alley, Dublin I-175
Glynn, Hon. Martin H., on Emmet's speech II-228
Godfrey, Captain, and Government supply of ammunition II-103n
"Godfrey K——n", pseud., Emmet papers II-273
Godiva, Countess of Chester II-350.
Godsell, Anne (Jane). *See* Emmet, Jane Godsell (Mrs. Thomas)
Goldsmith's Corps of Volunteers, dispersed I-95
Goodwin, Robert M., trial I-436; Emmet's speech II-529
Gordon, Major, and Darley II-110
Gormanston, Lord, and Catholic Committee I-84
Government, British, and Congreve rocket II-48; cruelty II-167n; R. Emmet on II-224; R. Emmet's preparations II-57; II-facing 257; R. Emmet trial II-248; and Emmet, T. A. I-315; 317; 328; and T. A. Emmet, solicitor generalship I-510; and France II-453; and Irish amnesty II-27; and Irish discontent II-409; Irish industries destroyed II-235n; Irish loyalty in 1803, II-58n; and Irish political trials II-146; and Irish State officials II-250; and Irish State papers II-249;

and Irish Whigs I-120; methods I-vi; misrule in Ireland II-9; and O'Connor I-336; 338; officials, and R. Emmet's "plan" II-557; and Orangemen II-399; policy I-v; popery laws, Irish I-506; 545; Rebellion of 1798, provocation of II-248; and Rebellion of 1803, I-368; II-53; 94; 245; Rebellion of 1803, provocation of II-55; Rebellion of 1803, reprisals II-112; Rebellion of 1803, unpreparedness II-56; reform opposed by II-425; reforms promised II-428; and seal of United Irishmen II-22; and State prisoners of '98, I-275; 314; and R. Temple II-89; and Union, Anglo-Irish II-244; and United Irishmen I-x; 356; and yeomanry, Irish II-406; 407; and Wycombe. *Cf.* England; Pitt; Portland

Government, French, and Emmet, T. A. I-360

——, Irish I-vi; "Battalion of Testimony" II-148n; and Bond I-253; and Brocas portrait of Emmet II-257; 259; and Connaught outrages II-569; corruption II-441; Curran, John Philpot II-130; R. Emmet's admonition to II-167; 199; R. Emmet, reward for apprehension of II-92; R. Emmet's speech, broadside II-217; 218; facsimile II-facing 217; 219; 258; and Emmet, T. A. I-264; and "Irish Felon" II-586; nature of I-75; officials, character of I-326; and Orangemen II-246; 399; and Patrick Street explosion II-73; and Rebellion of 1798, I-245; Rebellion of 1803, II-94; 99; Rebellion of 1803, knowledge of II-42; 42n; 101; 109; 168; 199; 250; Rebellion of 1803, provocation of II-248; Rebellion of 1803, report of II-95; and Rowan I-116; spies, and Emmet II-94; and State prisoners of '98 I-250; 258; 311; 312; 318; 319; State prisoners' memoir I-256; 272; and Trevor II-295; and "United Irishman" II-586. *Cf.* Castlereagh; Clare; Hardwicke

Grace Church, New York City, Emmet funeral I-482; 484; 486; 487; 530; (ill.) I-facing 482; old site I-530

Grades, Charlotte, legacy II-342

Grafton Street, Dublin, White's school II-3

"Graham", Quigley's alias II-179; 182

Grant, Rev. Mr., and Emmet, Robert II-236

Grattan, Henry, Catholic Relief Bill I-97; 136; on Catholic disabilities I-86; and Catholic Emancipation I-xiv; 121; and Edkins collection I-195; on Emmet, Christopher Temple I-192; 213; 464; on Emmet, Dr. Robert I-180; and Emmet, T. A. I-xx; xxi; 488; 537; and Fitzwilliam I-120; on French Revolution I-123; on Hardwicke's administration II-245; leadership I-xv; and leather tax I-126; Lecky on I-xv; on Parliament I-224; and Parliamentary session of 1794, I-112; and Parsons, Sir Lawrence I-124; portrait I-180n; on Protestant Ascendancy II-242; and reform, Parliamentary I-95; 98; 131; 223; and representation, parliamentary I-113; resolutions rejected I-112; and revenue laws I-126; taxation, estimate of I-125; Trinity address I-130; and Union I-243; and United Irishmen I-113; 225; 244; 507

Grattan, Henry, Jr., on Union Irishmen I-225

—— Parliament, ability of members I-224; corruption I-223

Graves, Rev. Mr., and Emmet, Robert II-4

——, Edward Boonen, son-in-law of T. A. Emmet I-452; burial vault I-562; and Emmet, Jane Patten I-562

——, Mary Anne Emmet (Mrs. Edward Boonen) I-402; 442n; 449; and Emmet, Jane Patten I-559; 567; Emmet, T. A., letter from I-453; Le Roy, Elizabeth Emmet, letter to I-460; Patten, Mrs. John, letter to I-560

Gray, Nicholas, and Emmet, Robert II-39; 70; Kilmainham investigation II-491; 493; 494; memorial to Hardwicke II-37

Great Britain. *See* England

Great George's Street, Dublin, Emmet's "Plan" II-557

Greatorex, Eliza, and M. Despard I-555; and Dr. T. A. Emmet I-555; "Old New York" I-555

Greene-Emmott, Richard I-149

Green flag, of insurrectionists II-99

Green Street Court House, courtroom (ill.) II-facing 156; R. Emmet indicted II-145; Emmet's removal II-137; 229; Emmet's trial II-148; Mitchel trial II-581; and Newgate prison II-137n

Greenwich Village, Irishmen I-464; 466; Emmet testimonial I-465

Gregg, Tresham, and Emmet, Robert II-229; Newgate prison II-137; signature, facsimile II-facing 137

Grenville, George Nugent Temple, first Marquis of Buckingham. *See* Buckingham

——, William Wyndham Grenville, Baron Buckingham, letter from I-312; Wyndham's letter to II-56

Greville, Major, at Marshal-sea-lane depôt II-187

Grove, Thomas, Ragheen, grant of II-383

Guiney, Louise Imogen, on Emmet family I-189; on Emmet, Robert II-303; Emmet, Robert, portrait used by II-258; 259; on Rebellion of 1803, origin of II-246

Guinness, Arthur, grand juror, Emmet trial II-145

Gunpowder Bill, continued I-112

Gwynn, Stephen, on Government complicity in Emmet's rebellion II-304; Lewin's memoir II-304; Quigley's examination II-306

Gybeon, Susan. *See* Emott, Susan Gybeon (Mrs. William)

Habeas Corpus Act, and Mason's arrest II-142; Portland on I-297; renewal of I-297; in Scotland, inoperative I-281;

suspension of II-111; 401; 418; suspension of, and Emmet, Robert II-95
Haig, ——, brewer, patriotic employees II-71
Haines, Charles G., lawyer I-517; on Curran, John Philpot I-518; on Emmet I-460; 466; 474; 517; 523
Hall, A. Oakey, on Emmet, T. A. I-403; 421; 424; on Emmet's death I-470; on Emmet in Gibbons *vs.* Ogden I-458; on Emmet, and Pinkney I-460
Hamburg, Emmet at I-330; State prisoners of '98, I-314
Hamilton, Alexander, and Burr I-556; death I-395; monument I-538
——, Charles, and T. A. Emmet, marriage settlement II-383; 384; 385
——, Francis, grand juror, Emmet trial II-145
——, James, grand juror, Emmet trial II-145
——, Sir R., and Dublin Castle system II-261
——, William Henry, alias II-308; arrival from Continent II-106n; at Butterfield Lane II-309; and Delany I-346n; and Emmet, Robert II-39; 70; 106; 308; 308n; and Enniskillen II-308; Farrell's testimony concerning II-308n; and French army II-106; and French invasion of Ireland II-307; Hardwicke, memorial to II-37; as informer II-309; in Kilmainham II-309; and Macneven II-106; 308; 308n; and Quigley II-106; Quigley's secret examination II-307; 308; 309; and Rebellion of 1803, II-53; 54; rocket test II-72; in Rouen II-106 and Russell II-70; 106; Ulster mission II-73
Hammond, Lord, and Emmet, T. A., M.D. II-524; West collection II-524
Hanlon, ——, keeper of Dublin Tower, and Devlin, Anne II-34
Hannay, James, on Temple family I-189
Hanover Alley, Dublin and Emmet's depôt II-64
Hardwicke, Philip Yorke, 3rd Earl of, administration, Grattan on II-245; and Curran family II-130; and Curran, J. P. II-240; and Curran, Sarah II-130; on Emmet, Robert II-ix; guarded II-104; and Knox II-247; Marsden's interview II-101; Marsden's report on insurrection II-101; and Orangemen II-246; papers, Emmet outbreak II-42; papers, published II-43; on Quigley's release II-309; and Rebellion of 1803, II-57; 94; 99; 246; 247; 304; and Wickham's knowledge of Emmet conspiracy II-247
Hardy, Jean, general, and Irish expedition I-362
Harold's Cross, Dublin, Canal bridge (ill.) II-facing 78; Emmet, Robert II-31; 32; 45; 53; 90; 159; 165; 198; Palmer's residence II-195; Palmer's residence (ill.) II-facing 92
Harper, Mrs., cousin of Jane Patten Emmet I-157n
——, Messrs., and Emmet monument I-552
Harper, Robert Goodloe, and T. A. Emmet I-521
Harris, Thomas Addis Emmet I-403n
Hart, Defender I-145
Harte, Charles, Emmet juryman II-157
Harty (Hartey), General I-344n; and Berthier I-354; and Emmet I-347; 349; 351; 352; 353; 355; 356; 357; 374; 380; and French aid I-350; and Irish expedition I-365; and McGuire I-352; and O'Connor I-352; and United Irishmen I-350; 352; 353; and United Irish reclamations I-357
"Harvest Day", poem on, by Dr. R. Emmet I-165; II-353-59; Mr. Clarke's criticism of I-166
Haslett, Henry, letter to Hunter II-42n
Haussonville, Countess d', on Emmet, Robert II-xii; xiii; 6; 24; 25; 29; 303; on Emmet, T. A. I-228; on Fitzgerald, Lord Edward I-229; on Rebellion of 1803, II-29; and Mme. de Staël II-7
Haviland, Charles, and Emmet I-426
Hayden, Rev. Dr., Emmet's execution II-236; 237; Emmet's speech II-214
Hayes, John, and Rebellion of 1803, II-40
Hayne, Col. Isaac, surrender I-417; 417n
"Hell or Connaught" I-142
"Help from Heaven", poem, R. Emmet II-17
Henry II, Ireland, conquest of I-6; Ireland, conquest of, Molyneux on I-31; Irish policy I-11; Irish sovereignty I-12
—— VII, Irish policy I-23
—— de Temple, Earl of Coventry II-350
Henthorn, surgeon, and Byrne II-100
Herbert, ——, artist I-301n; Emmet, T. A., portrait of I-1; Macneven, W. J., painting of I-facing 332
"Herbert", Whitty's alias II-274
Herbert, Mary I-301
Hevey, John, in Butterfield lane II-85; and Emmet, Robert II-39; and Rebellion of 1803, II-50; and leaders of insurrectionists II-79
"Hewitt", Emmet's alias II-88; 117; 118; 159; 165; 195; 198; 212
Hewitt, Abram S., on Emmet, T. A. I-529; 530; on Emmet's funeral I-530; and Emmet, T. A., M.D. I-529
"Hibernian Journal", Emmet's execution, account of II-236; Emmet trial, report II-150; Emmet trial, report, facsimile II-facing 236; State prisoners' advertisement II-473
"Hibernian Magazine", Emmet's speech II-229
Hibernian Relief Society Boston, and Emmet, Robert (Judge) I-501; and Wm. Sampson I-501
Hickson family, and Emmets II-361
——, John C., Hardwicke, memorial to II-37; Kilmainham investigation II-491; 495
——, Mary Agnes, on betrayal of Emmet II-115
Hierarchy, Catholic, and Catholic Committee I-88 and Defenderism I-109; edu-

cational reform I-110; and relief measures I-109
High Street, Dublin, Emmet's "plan" II-558
High Treason. *See* Treason
Hildreth, Matthias B., death I-483
Hill, Edward I-151
——, Mary, wife of Henry Emmet I-151
Hilliards, and Emmets II-361
History, Irish, English perversion of I-218
History of Ireland, Part of an Essay toward the, by T. A. Emmet I-213; I-514
Hobart, John, 2nd Eard of Buckinghamshire. *See* Buckinghamshire
——, Robert, 4th Earl of Buckinghamshire, Irish secretary I-83; 95; Catholic deputies I-96
Hoche, Louis-Lazare, General, and Cherin I-362; and Irish invasion I-324
Hoffman, Josiah Ogden, and T. A. Emmet's funeral I-486; and Rutgers Medical Faculty I-469
Holland, Lord Henry Richard on Emmet, T. A. I-229; on Fitzgerald, Lord Edward I-247; on outrages in Ireland I-227
Holmes family, connections II-351
——, Benjamin, Emmet juryman II-157
——, Elizabeth. *See* Lenox-Conyngham, Elizabeth Holmes (Mrs. George)
——, Joseph, grand juror, Emmet trial II-145
——, Mary Anne Emmet (Mrs. Robert) I-282; 283; 285; 287; 289; 296; 303; II-341; "Address to the People of Ireland" II-313; 571; Ballydoune estate II-342; birth II-313; burial II-283; 284; 318; 320; and Casino I-180n; II-327; on Catholic disabilities II-567; character I-503; on commerce, Irish II-576; on Connaught outrages II-563; 565; death II-132; 133; 318; 319; on Dublin and Union II-576; Emmet, Grace, will II-342; 384; and Emmet, Robert II-44; and Emmet, Robert, burial II-295; 319; and Emmet, Thomas Addis I-272; 326; 310; 314; and Emmet children I-402n; on English promises II-576; "The Exile to His Country" II-314; "To Friendship" II-315; Miss Guiney on I-190; Hope, verses to II-317; ill-health II-316; 326; on independence, Irish II-566; legacy to I-185; Letter to the Irish Parliament II-314; 563; and letters seized in Emmet's room II-125n; marriage I-281; II-318; Oblivion, verses to II-316; on Parliament and conciliation II-566; Parliament denounced by II-574; on patriotism of Irish women II-566; on penal laws II-567; on persecution II-566; on Pitt II-577; poetic ability II-314; political writings II-313; portrait II-327; 328; portrait (ill.) II-facing 327; and "The Press" II-318; on rebellion, danger of II-576; on reform II-568; 574; on Trinity college II-576; and Union II-565; 569; 573
——, Robert, arrest II-318; death II-320; Emmet, Elizabeth Mason on I-187; Margaret Emmet's description of I-157n; and Emmet burial II-283; Dr. R. Emmet's will I-184; II-44; and Emmet, Robert II-320; Emmet, Robert, Comerford's portrait of II-253; and R. Emmet's grave II-289; and Emmet, Thomas Addis II-320; and Mrs. Emmet's interview with Robert II-133; and Fitzgerald, Lady A. II-89; Miss Guiney on I-190; imprisonment II-89n; 230n; 318; on Ireland under the Union II-584; on Irish enslavement II-583; legal career II-321; and Madden I-212; II-133; 290; marriage II-132; 318; Mitchel, defence of II-320; 579; and Nationalists II-320; and Patten II-132; 133; 289; politics II-320; portrait I-facing 184; I-facing 320; portrait and sketch in Irish Tribune II-586; and Rawlins, Joseph II-172n; and Rebellion of '98, II-89; release II-318; on Repeal II-584; on Union II-584
Holmes, Mrs. Robert. *See* Holmes, Mary Anne Emmet
Holt, General, and Rebellion of 1798, I-253
Home Office, London, and Emmet's "Plan" II-234
Home Office Papers, Sarah Curran's letters II-119
Home Rule I-xii; American aid II-330; 331; Bill of 1892 II-330; election fund, and Byrne, John II-329; 330; election fund, Crimmins, John D. II-330; election fund, and Dr. Emmet II-329; 330; election fund, Kelly, Eugene II-329; 330; election fund, McCaffrey, Hugh II-330; enacted II-279; inadequacy II-279; and Irish National Federation of America II-329; separationists, hopes of I-179; and taxes. English control of II-279; and Union I-xv; II-279
Home Secretary, England, 1794-81, *See* Portland; 1801-03, *See* Pelham; 1803-04, *See* Yorke, Charles Philip
Hone, John, grand juror, Emmet trial II-145
Hooper, Agnes Emotte (Mrs. John) II-347
"Hope, To", by M. A. Emmet II-317
Hope, Lord, T. A. Emmet's letter to I-311
——, James, United Irishman I-225; and Berney, Michael II-71; and Emmet, Robert II-39; 53; 54n; United Irishman and Hughes I-400; and Neilson, S. II-66; portrait II-facing 54; and Quigley, M. II-84; and Rebellion of 1803 I-xx; 39; 52; 66; Rebellion of 1803, account of II-53; and Russell II-72; Ulster mission II-54; 71; 73; and Wycombe II-54n
Horace, Ninth Ode of, Dr. R. Emmet's rendering I-173
Horner, Roger, Esq., grand juror, Emmet trial II-145
Horry, C. L. Pinckney, and Emmet, T. A I-392
Hosack family, and Emmets I-449
——, David, President, Rutgers Medical faculty I-469; and T. A. Emmet's death I-476; and Mitchel, Samuel L. I-513

Hospital Fields II-288; R. Emmet's burial II-259
House of Commons. *See* Commons
House of Lords. *See* Lords
Howard, Charles, 10th Duke of Norfolk. *See* Norfolk
——, Frederick, 5th Earl of Carlisle. *See* Carlisle
Howlan, and Whitty II-280
Howley, Henry, insurrectionist II-86; and Emmet, Robert II-39; Petrie's portrait of II-256; and Rebellion of 1803, II-40
Hudson family, and Currans II-326
——, Edward, and Emmet, T. A. I-222; II-326; at Fort George I-273; 277; and O'Connor I-336
Hudson-Fulton celebration, Fulton's portrait II-523
Hudson-Kinahan. *See* Kinahan
Hudson Street, New York, Emmet residence I-438; I-477
Hughes, Henry, and Emmet, Robert II-70; Hardwicke, memorial to II-37; Kilmainham investigation II-491; 495
——, John, informer I-256; I-400
Huhn, Adalbert, on Emmet, Robert II-xiii
"Human Understanding", Locke's work, and Emmet, Robert II-4
Humbert, Jean-Joseph-Amable, General, and Fr. Gannon II-307; Irish expedition I-349n; 358; 359n; 362; II-307; and McDonnell II-308n; and O'Connor I-360; Quigley's secret examination II-308
Hunter, Robert, at Fort George I-273; Haslett's letter to II-42n
Huntley, Marquis of, and Rebellion of '98, I-312
Hussey, Dr., and Catholic education I-121; 136
Hutchinson, Hon. Francis, on State prisoners' advertisement I-262
Hutton, Henry, Sheriff of Dublin I-95; and Catholic Emancipation I-213; 463
Hyde, Colonel, and Rebellion of 1803 II-111

Ilfracombe, Emmets of II-347; 348
Imprisonment without trial, in Ireland I-203; II-403
Indemnity Bill, "Montanus" on II-400
Informers. *See* Spies
Ingham, Charles Cromwell, and Emmet monument medallion I-553
Inheritance, and alienism I-396
Innes, Edward, and Emmet memorial I-497
"Inquisitor of Kilmainham", Trevor called II-477
Insurrection, Irish (1641) I-14; 17
——, Irish (1798). *See* Rebellion of 1798
——, Irish (1803). *See* Rebellion of 1803
Insurrection Act, II-446; and Emmet, Robert II-117; "Montanus" on II-400; 418; names, declaration of II-118
"Insurrection of the twenty-third July, 1803" II-256
"In Vain My Dear Betty", poem by Dr. R. Emmet I-173
Ireland, absentee landlords II-413; and Anglo-French peace I-362; 363; II-426; 428; Anglo-Norman policy I-11; area I-76
Ireland, Aristocracy, arrogance II-434; and peasantry II-435; and reform II-430; 434; 439; responsibility 431; 436; and the Union II-440
—— assemblies, unlawful, prohibited I-110; Bantry Bay, French at II-462; bigotry I-xix; I-213; Blackstone on English rule II-583; borough interests II-445; 446; British army and the Union II-575; and British navy II-458; 463; Buckingham (Grenville) II-395; Camden I-129; 226; Carhampton's outrages I-239; Catholic education, plan for I-108; Catholic disabilities I-346n; II-567; *Cf.* Popery laws; Catholic emancipation II-460; 462; Catholic Relief Bill (1793) I-107; Charles II, reign of I-14; civilization, early I-5; coercion II-414; commerce penalized I-38; II-414; 427; 576; commerce, and separation II-458; commercial arrangement, Pitt's I-62; commercial possibilities I-43; commercial restrictions I-547; commercial restrictions removed I-51; commercial rivalry with England I-43; and Constitution, British II-410
—— *conquest of* I-37; evils I-27; and independence I-27; Molyneux on I-31; I-32; observations on, Emmet, T. A., on I-5; I-249; results of I-18; 19
—— Convention Bill I-110; II-396; Cornwallis I-250; Correspondence Bill I-110; corruption, Parliamentary I-73; criminal law II-469; and Daendels I-356; Defenders II-418; Defender trials I-140; degradation fostered I-545; dependence of, Blackstone on I-48; discontent in, 1795, I-139; discontent, causes of II-409; 413; disunion promoted I-xii; 11; 18; 38; 42; 66; 546; II-399; domiciliary visits II-416; education 469; election taxes II-329; Emmet family II-337; Emmet family, extinction of I-410; R. Emmet's memory II-ix; T. A. Emmet's devotion to I-484; and England I-548; II-301; 586; English commercial policy, Pitt on I-62; English colonists favored II-549; English legislation I-20; 26; I-39; English legislation, right renounced I-52; English misrule II-9; English oppression I-506; English outrages II-278; English policy I-xiv; 36; 224; 228; English rule, opposition to II-549; English treachery I-xi; English tyranny, object of I-35; enslavement of, Holmes on II-583; exile, compulsory II-404; famine (1797-98) I-325; II-420; famine, and Peel II-88; Fitzwilliam I-119; 124; 126; 131; 216; 217; 226; II-396; and France II-218; free-trade, England's attitude II-428
——*and French aid* I-x; 115; 179; 215; 243; 246; 249; 257; 258; 268; 317; 320; 335; 339; 354; 358; 361; 363; 366; 368n; 369; 372; 374; 377; 379; 383; 385; 386;

387; 387n; 401; II-61; 450; 451; R. Emmet's speech II-219; 222; Emmet's views II-223; Humbert's project II-307; Macneven on I-394; Plunket on II-206
Ireland, Fulton's promise of aid I-357; Gaelic revival I-xii; geographical advantages I-47; Government corruption II-426; 441; Government officials I-218; 326; Grattan Parliament I-223; grievances II-460; 468; Habeas Corpus, renewal of I-297; Habeas Corpus Act suspended II-401; hierarchy, Catholic I-109; history, English perversion of I-6n; II-206n; 473; Home Rule Act, inadequacy of II-279; impoverishment I-294; imprisonment, arbitrary I-239; II-403; 404
—— *Independence of* I-xi; Emmet, Robert II-81; 95; 105; 223; 224; T. A. Emmet's memorial I-375; T. A. Emmet on II-457; 458; 463; English grants I-27; and French expedition II-452; 453; 461; and Geo. I Act 6 I-xiv; Napoleon's policy I-385; II-596; and Parliament II-566; possibility of I-320; theory I-53
—— industries, destruction of II-235n; informers II-404; Insurrection Act II-446; invasion of I-6; James I, reign of I-13; James II, reign of I-15; Kilkenny, Statute of I-21; lawyers, political attitude II-411; Lecky's history I-213; legislative subjection, Molyneux on I-33; literature, and England II-210; Libel Bill I-111; Lisburn, attack on I-105; 106; magistracy, and military I-106; manufactures, decline of II-420; maritime resources I-42; martial law I-239; 249; 257; II-417; 567; mercenaries in II-406; military despotism II-408; 451; military outrages I-227; 242; II-405; 417; militia law I-108; 538; misgovernment II-250; 413; Montanus on I-234; and Napoleon I-274; 375; II-496n; national convention, projected II-445; national parliament, Holmes on II-586; natives, submission of I-12; natives, submission of, Molyneux on I-31; natural advantages I-11; 73; oppression of II-206; 413; 415; Orangemen I-141; 512; II-418; 451; Parliament of 1782, I-54; Parliament of 1794, I-112; Parliamentary reform I-108; II-413; 460; 462; patriots of 1803, slaughter of II-41; patronage, use of II-411; peasantry, character of II-435; Peep-o-Day Boys I-140; peerages, sale of II-397; penal laws I-453; 469; 545; people outraged I-245; perjury, Government encouragement of II-404; Pitt's policy I-179; 214; 224; 316; II-462; Pitt's policy, Montanus on II-399; Pitt's governors of II-395; Place Bill I-111; place-hunting politicians II-431; political parties II-411; poor, improvement in condition of II-469; Poynings' Law I-23; II-584; Press, liberty restrained II-422; proclaimed districts II-401; Proclamation of Provisional Government II-457; progress arrested I-10; prosperity, British opposition to II-332; prosperity, Marsden on II-105; Protestant ascendancy I-223; II-250; provincialized I-6; 39; 58; 75; provincial condition, Montanus on I-235; rack rents II-469; rebellion fostered II-400; 427; 569; 577; Rebellion of 1798, I-227; 245; 248; 249; 255; 316; 381; Rebellion of 1803, I-342; 366; 367; 368; 371
Ireland, reform, sought before 1798 II-403; effects forecasted II-442; Miss Emmet on II-574; England's promises II-428; and French aid II-457; necessity of II-442
—— religious divisions I-13; 399; 445; 577; religious wars I-17; republic, Plunket on II-205; republicanism II-446; resources I-46; 76; rivalry with England I-40; ruin threatened, Montanus on II-440; salt tax I-325; secret societies II-414; separation advocated I-x; 179; spies II-416; State papers (1798-1803), II-243; 244; 248; State papers (1798-1803), disappearance of II-249; 250; State prisoners, treatment of I-275; subjugation, final I-16; sufferings of, O'Grady on II-159; terrorized II-401; 403; 408; 416; 418; 419; 436; 437; Texel armament II-453; 461; titles II-460; 468; torture, Government use of II-404; treasury depleted II-419; 420; trial by jury suspended II-401; Union I-xv; 316; 548; II-568; 584; Union, measures for enforcing II-575; Union, Montanus on II-441; Union, Pitt's policy I-215; Union, Plunket on II-205; United Irishmen I-225; 247; 316; II-445; viceroy, legal status I-208; Volunteers I-223; Volunteer assemblies prohibited I-107; Whig leaders, over-confidence in II-430; women, heroic I-563; wretchedness noted I-50; yeomanry II-406; 407; 408; yeomanry, cost of II-408
——, Established Church of I-74; ascendancy I-223; and Catholic Emancipation I-136; 548; and Emmet I-546; Montanus on I-235; political attitude II-411; and reform I-82; tithes I-80; and United Irishmen I-320; wealth II-411
"Ireland in the Eighteenth Century", Lecky I-213
"Ireland, Part of an Essay Towards the History of", by T. A. Emmet I-73
"Ireland Sixty Years Ago", by Walsh II-6
"Ireland Under English Rule", by T. A. Emmet, M.D. I-215
"Iris", Wm. Taylor II-298
Irish, race, American descendants I-iv; American prejudice I-ivn; ix; 408; and British oppression I-545; "brogue" I-404n; calumniators I-544; character, nobility of II-22; Emmet, Robert II-10; 163n; 254; England, submission to I-31; and English colonists I-514; English officials II-57; extirpation of I-33; inferiority, question of I-73; loyalty to British in 1803, II-58; Montanus on II-432; and Parliament II-576; and Puritans I-viii; and rebellion II-403; and

Union II-251; 573; and United Irishmen II-58n; women, respect for II-86
Irish in United States I-iv n; vi; vii; viii; x; 391; and Emmet I-490; Emmet memorial I-490; 491; 496; Emmet memorial meeting, Philadelphia I-501; 503; and Emmet monument I-544; 545
"Irish Book-Lover", Bigger on Brocas portrait II-256
"Irish Confederates and the Rebellion of 1798", by Field I-525
Irish Directory. *See* Directory of United Irishmen
"Irish Felon". *See* Felon, Irish
"Irish History, Contribution to", by T. A. Emmet I-277
Irish Legion, in French army I-374; 383; 401; Brangan II-71; bravery II-305; colors I-385; and England I-349; formation I-359n; II-64; Macneven on I-394; and McSheehy I-360n; and Napoleon I-385; II-496; and Rebels of 1803, II-305
"Irishman, An", pseudonym I-231
Irishmen, United. *See* United Irishmen, Society of
Irish National Federation of America, and Emmet, T. A., M.D. II-329; and Home Rule, Irish II-331
Irish Republic, projected I-335; R. Emmet's "plan" II-552; *see also* Ireland, *subhead* Independence
Irishtown, in Emmet's "Plan" II-557; military depot II-46; 47
"Irish Tribune". *See* Tribune, Irish
Irish Union. *See* United Irishmen
——, Volunteers. *See* Volunteers, Irish
Irving, Washington, and Emmet's romance II-263; 268
Island Bridge, Dublin, Emmet's "Plan" II-75; 557
Island Bridge road, Dublin II-236

Jackson, Henry I-42; arrest I-322; 507; and King, Rufus, letter from I-412; satirical verses on I-327
——, Hugh, arrest I-507
——, William I-115; 116; 507; character I-132; and Emmet, T. A. I-507; and Tone, Theobald Wolfe I-116; trial and death I-131; and United Irishmen I-507
Jacob family I-561; 561n
James I, alienism I-397; plantation, scheme of I-13
—— II, and Catholics, Irish I-506; Irish policy I-15
James Street, barracks, Dublin mob II-85; 86; Emmet's "Plan" II-557
Jamestown, Catholic resolutions I-81
Jarvis, Macneven portrait I-facing 511
Jay, Peter A., and Emmet memorial I-495
"J. B. S.", on T. A. Emmet I-505; 509; on T. A. Emmet's rejection of solicitor-generalship I-511
Jefferson, Thomas, President, and Emmet I-398; and Miranda expedition II-508
Jocelyn, Robert, 1st Earl of Roden. *See* Roden
Johnson (Judge), "Robert Emmet and His Contemporaries", reputed authorship of II-273n
——, Lionel, Emmet's tomb, verses on II-302
——, William, and Gibbons *vs.* Ogden case I-459
Johnstone, spy II-49; and Byrne, Miles II-83; and Emmet, Robert II-65; 83; Madden's search for II-83; Patrick Street explosion II-72; 83; rocket test II-72
John Street, Dublin, military depot II-47
John Street, New York, Emmet residence I-438
Joly collection, Brocas portrait of R. Emmet II-256
Jones, Richard, spy II-114; 115
——, Samuel, chancellor, and T. A. Emmet's funeral I-486; vault of, T. A. Emmet's burial I-530n
——, William Todd, and Emmet, Robert II-39
Journal, Dublin. *See* Dublin Journal
Jury, trial by, subversive proceedings I-61; striking of, Mitchel trial II-581; suspended II-401. *Cf.* Packed juries

Kasswill, Joane Emiott (Mrs. Rogers) II-348
Kavanagh, Terence, and M. Byrne II-76
Keady, Defenders I-142
Kearney, Edward, capture II-192; execution II-112; and Rebellion of 1803, II-40; trial, manifesto produced II-547
——, William, on Emmet's execution II-238
Keelogress, Emmet estate II-342
Keenan, Thomas, arrest II-78; death II-100; and Patrick Street explosion II-72; 99; preparation of arms II-65; and Rebellion of 1803, II-40
Keer, ——, schoolmaster I-202
Kelly, Eugene, and Home Rule election fund II-329; 330
——, Michael, and Rebellion of 1803, II-40
Kemble, John, and Edkins collection I-195
Kemmis, T., Crown solicitor, Emmet trial II-216
——, W., Crown solicitor, Emmet trial II-216
Kenmare, Lord, and Catholic Committee I-84
Kennedy, ——, Defender I-145
——, Edward, and M. Byrne II-62; 76; Kilmainham investigation II-491; 492;
——, Thomas, "The Uninscribed Tomb of Emmet", verses II-302
Kent, Co., Emmets of II-346
——, James, chancellor, and T. A. Emmet's funeral I-486; and Emmet memorial I-495; Pintard *vs.* Ross I-409; Yates *vs.* Lansing I-423
Keogh, John, and Catholic Committee I-93; I-130; Catholic leadership II-40; and Emmet, Robert II-39; and Emmet, T. A. I-488; and Hobart, Robert I-96; London,

mission to I-184; and Rebellion of 1803, II-40
Kerry, Mason family II-142; 360; Temple family II-351
Kidd, Capt. William, and Bellamont I-288n
Kilby, ——, maltster, and Quigley II-306
Kilconnell, battle I-257
Kildare, County of, Dublin rendezvous II-308n; Emmet family II-342; and Emmet's "Plan" II-559; and Fitzwilliam's recall I-129; and French invasion I-342; leaders, and Byrne II-74; leaders abandon Emmet II-102n; 109; Rebellion of 1798, I-258; Rebellion of 1803, II-50; 54; 62; 63; 71; 76; 108; 308
Kildare, Curragh of, United Irishmen, massacre of I-255
Kilkenny, Statute of I-21
Killala, French invasion I-249; 359n
Killen, John, and Rebellion of 1803, II-40
Kilmainham, Devlin, Anne II-33; 36; atrocities II-477; convicts as attendants II-482; and Dunn, George II-137; 138; 139; Dunn, John II-137; 138; 139; Emmet, Robert II-114; 127; 137; 138; 139; 143; 218; Emmet's body removed to II-237; Emmet, T. A., imprisonment I-248; 264; 319; 510; Government investigation II-489; 490; hangman as attendant II-493; Holmes II-138; illustration I-facing 266; Mason, St. John II-32n; 138; 139; 143; 114; medical treatment of prisoners II-482; military introduced II-486; Patten II-138; prisoners, treatment of 481; 489; prisoners' food II-491; prisoners' letters II-483; 494; Quigley II-85; situation II-236; solitary confinement II-489; State prisoners of '98 II-22; State prisoners of 1803 II-37; torture employed II-495; Trevor II-139; 229n; 478; 481; 495; Turner, Samuel, imprisonment I-338; turnkeys II-483; visitors to prisoners II-494
Kilmainham Lane, Dublin II-236
Kilwarden, Arthur Wolfe, 1st Viscount, death II-51; 54; 56; 86; 99; 103; 104; 110; death, and R. Emmet II-86; 87; 117; death, Lewin on II-305; death, Norbury's connection II-87; death, and Rebellion of 1803 II-267; Emmet, T. A., examination II-458; and Fitzwilliam I-121; 122; 123; slayer, reward for apprehension of II-111; and Tandy I-207; and Tone I-267
Kinahan, Daniel, Emmet juryman II-157
——, Sir Edward Hudson, Emmet portrait II-326
——, Lady Hudson I-222; and Emmet portrait II-326
King (sovereign), and alienism I-397; suits against I-209; and Irish Parliament I-33; liberty to petition I-110
——, Abr. B., grand juror, Emmet trial II-145
——, Charles, Emmet, Robert, letter to I-496
——, James, and T. A. Emmet's death I-492
King, John, Southey's letter II-298
——, Rufus, Broadside used for defeat (ill.) I-facing 420; and Coleman I-413; and Emmet, T. A. I-xx; 147; 157; 253; 410; 413; 415-417; 420; 508; 508n; 514; and Jackson, Henry, I-412; Portland, letter to I-411; and Republican meeting I-419; and State prisoners of '98 I-253; 411-413; 415; 416; 514; Trumbull on I-418
Kingsborough, Lord I-326; Catholics, ill-treatment of II-58n; and Union II-314
King's Counsel, Catholic ability for I-85
King Street, Dublin, in Emmet's "plan" II-558
Kinsella, ——, on Emmet's grave II-289
Kirwan, Owen, insurrectionist II-40; Curran's defence of II-267
——, Mrs. Owen, heroism II-40
Knight, Dorothy. *See* Emmet, Dorothy Knight (Mrs. James)
Knockena, Emmet estate I-184; II-342
Know-Nothing Party, Forrest-Macready riot I-467n
Knox, George, Burrowes, letter from II-247; diary of, cited II-247; and Emmet, T. A. I-205; and Hardwicke II-247; Rebellion of 1803, informs concerning II-247; and Tone I-267
Kosciuszko, Tadeusz, and Emmet, T. A. I-392; I-395
Kyle, Emmet estate II-342

Lacey, Emmet, betrayal of II-113
Lafayette, Marie-Jean, Marquis de, and Emmet, T. A. I-458
Lafolly, Emmet estate II-342
Lake, Gerard, General, and Irish insurgents I-249; proclamation II-450; 452
Lamb, Anthony, and Emmet's death I-475
Lamberts' and Emmet romance II-265; 266
"Lament of S. Curran over R. Emmet's Grave", verses by Madden II-263
Lancashire, Emmets in II-337
Land, Irish, English legislation I-28; Protestant ownership of I-177
Landed Tenure, and alienism I-397; R. Emmet on II-54; and Irish Catholics I-545
Landon, Miss, and Emmet family II-288
Langford, Margaret Emette II-346
Langrishe, Sir Hercules, Bill I-85; 87
Lansdowne, John Henry Petty Fitzmaurice, 2nd Earl of. *See* Wycombe, Earl of
——, William Petty Fitzmaurice, 1st Earl of. *See* Shelburn
Latouche, David, Belfast petition I-86
——, William George Digges, Lady A. Fitzgerald's letter to II-89
Laurie, chaplain, House of Representatives I-398
Lavoisier, Antoine-Laurent, T. A. Emmet's use of I-203
Law, Catholics, admission of I-84; criminal, English and Irish II-469; popular consent to I-57; profession of, and alienism I-395; 399; license to practise I-399

Lawless, L., Emmet, T. A., letter from I-451
——, Valentine Browne, Baron Cloncurry. *See* Cloncurry
——, William I-375n; 376n; and Byrne, Miles II-307n; and Colvilles II-28; and Emmet family II-28; and Emmet, Robert II-27; 216; and Emmet, T. A. I-373; 388; and French army I-393; marriage I-376n; Quigley's secret examination II-307; and Rebellion of 1803 II-x; and United Irish committee I-376
Lawlor, Dr., and St. John Mason I-301
Lawyers, Irish, political attitude II-411
"Leander", and Miranda expedition II-503
Leather, tax on I-126
Lecky, William Edward Hartpole, on Emmet, T. A. I-xvi; xx; 213; on Irish Whigs I-xv; on O'Connor I-xxi
Leer, William, grand juror, Emmet trial II-145
Lefroy, Baron, Mitchel trial II-581; 583
Leinster, Province of, Defenderism I-115; 139; 140; Provisional Government appeals to II-548; United Irishmen I-507; II-448
Lenahan, Thomas, and Emmet, Robert II-39
Leney, W. S., and Delaplaine II-524; 526; and Emmet portrait of Fulton II-523; 526
Lenox-Conyngham, Elizabeth Holmes (Mrs. George) II-321; birth II-133; 319; classical learning II-324; "Death the Mediator", poem II-323; and Emmet, Catherine I-193; and R. Emmet portrait II-253; and Mrs. R. Emmet's interview with Robert II-133; and Emmet, T. A., M.D. II-132; II-321; "Patriot and His Mother", poem II-134; poems II-132; 321; 326; portrait II-326; Socrates, death of, verses on II-324; 326; "To the Memory of T. A. E." I-544; "The Righteous Perisheth" I-555; "Weep not for the Dead" II-322
Leofric, Earl of Chester, and Temple family II-350
Leonard, John P., Countess d'Haussonville's work translated by II-xiii
Le Roy, Alexander, and Emmets I-447
——, Cornelia I-448
——, Elizabeth Emmet (Mrs. Wm. H.) I-437; 441; 562; childhood I-285; 287; 330; 391; Colville, Margaret Thompson, miniature of I-facing 220; and Emmet, Catherine I-192; Emmet, Jane Patten, portrait of I-562; 562n; Emmet, Jane Patten, painting of I-facing 438; facing 561; Emmet, Margaret, letter from I-157; 457; 458; Emmet, Mary Anne, letter from I-460; Emmet, Robert (Judge), letter from I-438; 439; 444; 446; Emmet, T. A., letter from I-431; 434; 454; Emmet, T. A., painting of I-facing 453; Emmet, T. A., Jr., letter from I-441; and Fulton I-427n; Fulton portrait II-523; and Mrs. Holmes' portrait II-327; McEvers, Jane Emmet, letter from I-443; 447; in Potsdam, N. Y. I-439
Le Roy, Jane I-453
——, Susan, Margaret Emmet, letter from I-156n
——, Wm. H. I-431; 439; T. A. Emmet, letter from I-452
"Lesly", Lawless' alias II-307n
"Let Green Spring Deck the Fields", poem, by Dr. R. Emmet I-174
"Letter to a Friend, A", poem, by Dr. R. Emmet I-166; 171
"Letter to the Irish Parliament", by M. A. Emmet (Mrs. Holmes) II-314; text II-564
Letters from the Mountains, by "Montanus" (T. A. Emmet) I-xviii; 233-237; II-332; 393-442; absentee landlords II-413; Anglo-French peace, effects II-426; aristocracy, appeal to II-438; aristocracy and peasantry II-434; aristocracy, and reform II-430; 434; 439; aristocracy, responsibility II-436; 437; aristocracy, and Union II-440; British Constitution and Irish people II-410; British Government and Irish discontent II-409; British interests in Ireland II-399; British provinces II-397; Camden's incompetency II-399; Castle system II-398; Catholic claims opposed II-399; Catholic Emancipation II-408; Catholics, Irish II-411; civil rights, suspension of II-418; civil war in England II-421; coercion in Ireland II-403; 406; commerce penalized II-414; 420; Convention Bill II-396; corruption, Pitt's measures II-395; discontent, causes of II-409; 413; Dissenters II-411; Dissenters and democracy II-412; England and France II-419; espionage, Government system II-402; 404; 416; Established Church II-411; exile, compulsory II-404; facsimile page I-facing 234; Fitzwilliam II-396; 397; freedom, Irish longing for II-409; French Revolution and Ireland II-409; 412; Government corruption II-426; 441; government patronage II-411; Grenville in Ireland II-395; Habeas Corpus Act suspended II-401; imprisonment, arbitrary II-403; 404; Indemnity Bill II-400; Insurrection Bill II-400; Ireland, and Anglo-French war II-397; Ireland terrorized II-401; 408; 416; 418; 419; 436; 437; Irish, and rebellion II-403; Irish reforms II-403; Irish race, worthiness of II-432; lawyers, Irish, political attitude II-411; magistracy, Protestant clergy in II-401; maritime supremacy, England's desire for II-419; 426; martial law II-417; mercenaries, British II-486; military despotism II-408; military outrages II-405; 417; misgovernment of Ireland II-413; navy, compulsory enlistment in II-400; Oates plot II-404; oppression of lower classes II-413; 415; Orangemen II-399; Parliamentary re-

form II-408; Parliamentary reforms opposed II-399; peasantry maligned II-435; peerages, sale of II-397; perjury, Government encouragement of II-402; 404; Pitt and Fitzwilliam's reforms II-397; Pitt and Irish conditions II-399; Pitt's governors of Ireland II-395; place-hunting politicians II-431; political parties II-410; 411; press, liberty restrained II-422; proclaimed districts II-401; Protestant ascendancy II-396; rebellion, Government fosters II-400; reform, British ministry oppose II-425; reform, effects of II-442; reform, means of securing II-432; reform, necessity of II-421; 442; religious divisions II-399; responsibility for Irish miseries II-431; Scottish Covenanters II-405; Secret Service money II-402; secret societies, Irish II-414; starvation of lower classes II-420; torture, Government use of II-404; transportation legalized II-401; treasury depleted II-420; Trinity College and the yeomanry II-408; Union, effects of II-441; Union, Government promotion of II-400; 417; United Irishmen II-405; 415; Volunteers II-395; yeomanry, Irish II-406; 407; 408; yeomanry, cost of II-408

Levins, Anna Frances, and R. Emmet portraits II-259

Lewin, Ross, memoir II-304; Rebellion of 1803 II-305

Lewins, Edward I-376n; French mission II-25; and Jackson, William I-116; Quigley's secret examination II-307; and United Irishmen I-376; 377

Lewis, Captain, Miranda expedition II-502

——, Rev. Mr., and Emmet, Robert II-4; II-7

——, Morgan, candidacy I-420; libel suit I-421

Libel Bill, Irish I-111

Liberty, Catholic fitness for I-79; and charters I-28; English, origin of I-36; man's right to I-28; and national development I-8

——, of Dublin, Insurrectionists in II-76

——, Friends of. *See* Peace, Friends of

Liberty Corps, Dublin I-99

Libone, Cicely Emott (Mrs. George), of Ilfracombe II-347

Limerick, articles of, violated I-15; disorders, and Emmet II-105; Emmets in II-338; Emmet estates II-342; and Rebellion of 1803, II-108

Lindsay, Robert, and "Devil's Brief" II-147; Emmet trial, evidence II-187

Linen, Irish trade in I-76

Lisburn, attack on I-105-107

Lismacree, Emmet estate II-342

Littlehales, Sir E., and Asgill II-104

Livingston, Allen I-458

——, Brockholst I-421; and Emmet, T. A. I-520

——, John R., and Fulton I-428; New Jersey legislation I-429

Livingston, Julia, and Emmets I-447

——, Morgan, and Emmets I-447

——, Robert, and Captain Kidd I-288n

——, Robert R., and Fulton I-427; in Paris I-352; 352n; 353; steam navigation grant, T. A. Emmet's opinion II-515; 517

——, William, Governor, and Astor suit I-471

Lloyd, John, Emmet juryman II-157

——, Thomas, and W. S. Smith trial I-515

Locke, John, on Civil Government, Emmet's study of II-275; and Molyneux I-32; "On the Human Understanding", R. Emmet's study of II-4; treatise, facsimile pages II-facing 278

——, Walter, Emmet juryman II-157

London, Emmets of II-346

"London Chronicle", and McNally's last interview with Emmet II-234

"London Courier". *See* Courier

"London and Dublin Magazine", Emmet papers II-273; facsimile page II-facing 272; Whitty editor of II-273

Londonderry, assembly, and Catholic Emancipation I-90; and Fitzwilliam's recall I-129

"London Pride and Shamrock", poem by Robert Emmet I-231; II-11-13

Long, Charles, 1st Baron Farnborough, Devlin, Anne, liberation of II-34

——, Philip, and Byrne II-77; 78; 80; and Emmet, Robert II-39; 45; 70; 78; Hardwicke, memorial to II-37; insurrectionists assisted by II-77; in Kilmainham II-309; 491; 492; 493; 495; and Mrs. MacCabe II-77; proclamation by II-553; Rebellion of 1803 financed by II-327; residence II-77

Longford, County of, Defenders I-140

Lord lieutenant of Ireland I-210; and jury striking II-581; legal status I-208; 210; office of, Catholics barred I-546; Tandy's suit I-207; 209

—— lieutenant of Ireland, 1782, *See* Portland; 1782-83 (Earl Temple), *See* Buckingham; 1784-87, *See* Rutland; 1787-89, *See* Buckingham; 1790-95, See Westmoreland; 1795, *See* Fitzwilliam; 1795-98, *See* Camden; 1798-08, See Cornwallis; 1801-06, *See* Hardwicke

Lords, House of, English, Norman ancestry I-v; I-219

—— House of, Irish, and Commons I-75; T. A. Emmet, examination of I-261; II-455; 461; 473; and State prisoners of '98, I-318

Lot, enlistment by I-108

Loudon, John, merchant I-152; and Emmet, Henry II-343

Loughborough, and Fitzwilliam I-217

Lough Brickland, affray I-141

Loughgall, Fair of, affray I-141

Loughlin, Avis. *See* Mason, Avis McLaughlin (Mrs. James)

——, Catherine Blennerhassett (Mrs. Richard) II-360-361

Loughlin, Richard, descendants II-360; *See* McLaughlin
Louisiana, Irish emigration to, project II-307
Louvain, University of, reply to Pitt I-88
Lovat, Lord, and Mansfield I-466
Loyal Dublin Cavalry, Darley and II-110
Lozier, John, and Emmet's death I-475; and Emmet monument subscription I-551
Ludlow, Robert Fulton, Fulton portrait II-526
Lumm, Colonel, and Emmet, Robert II-39
Lurick, Earl of Chester. *See* Leofric
Lutherans, in Ireland I-78; 78n
Lynam, ——, porter, and Emmet's burial II-289
Lyne, Betty, marriage I-295
Lyttelton, George, 1st Baron, on Scandinavians in Ireland I-41

Macabe, Dr., and Emmet's speech II-214
Macartney, Rev. Dr., and Emmet's speech II-215
Macaubry. *See* Macoubry
McBride, James, and T. A. Emmet memorial I-497; 552
MacCabe, W. Putnam I-346n; and Allen, J. II-75; arrest II-75; and Byrne, Miles II-75; and "Devil's Brief" II-147; and Emmet, Robert II-39; imprisonment II-77; as informer II-75; and O'Connor I-346; and Quigley II-306; Quigley's secret examination II-307; 308; and Rebellion of 1803, II-306n
——, Mrs. W. P., and Byrne II-77; 78; and Long II-77
McCaffrey, Hugh, Home Rule election fund II-330
McCann, John, and Rebellion of 1803, II-40
McCarthy, Justin, cablegram, facsimile II-facing 330
McClean, sexton, and Fuller's search for Emmet's remains II-292
McClelland, James, solicitor-general, Emmet trial II-173; 216
McCormick, Joseph, and Emmet, T. A. I-392; 393; Macneven's letter to I-394; and United Irishmen I-228; warrant I-507
McCracken, Miss, and Manifesto of Provisional Government II-547; and Russell's poem I-276
McCready, Mrs., and Emmet execution II-237
M'Daniel, Michael, arrest II-84; and Patrick St. explosion II-84
McDermot, farmer, Quigley's secret examination II-306; 307; 308
McDermott, William, Hardwicke, memorial to II-37; in Kilmainham II-37; 491; 494
MacDonagh, Michael, on Emmet outbreak II-42; on Emmet's memory II-254; on Emmet's trial II-149; on McNally's baseness II-149; and Sirr's slander of S. Curran's memory II-271
MacDonald, James J. I-359; *Cf.* McDonnell
MacDonald, Joseph, general I-349n; *Cf.* McDonnell
McDonnell, James Joseph, and Emmet, T. A. I-364; 377; and French aid I-401; and Humbert II-308n; and O'Connor I-359; Quigley's secret examination II-307; and Rebellion of 1798, II-307n; and United Irish committee I-376; *Cf.* MacDonald
McDonnell (Little), Quigley's secret examination II-307
McDowell I-349; *Cf.* MacDonald; McDonnell
McEvers family, and Emmets I-442n; 444; 446; 449
——, Bache I-444; country place I-156n; and Emmets I-446; marriage I-439; and Wilson, Hugh I-442n
——, Charles I-446
——, Charles, Jr. I-442; 442n; and Emmets I-446; practical joke on I-446
——, Mrs. Charles I-446
——, Eliza I-442n; 458; 461; and Emmet family I-442; 445; 447
——, Jane (Jeannette) Erin Emmet (Mrs. Bache) I-391; 402; 434; 439; 445; 562; birth I-330; Le Roy, Eliz. Emmet, letter to I-447; I-455
——, Mary, and Emmet family I-445
McGinn, ——, informer I-256
McGuire, Simon I-350n; and Emmet I-314; and Harty I-350; 352
Macintosh, John, arms, preparation of II-65; arrest II-78; and Emmet, R. II-64; and Patrick St. explosion II-72; 100; and Rebellion of 1803, II-40
McIntyre, Archibald, Emmet's letter to I-425; Emmet monument subscription I-551
McKean, Thomas, Governor of Pennsylvania, and Emmet, T. A. I-398
McLaughlin (McLauklin) family, and Emments I-175. *See* also Loughlin
McLaughlin, Avis. *See* Mason, Avis McLaughlin (Mrs. James)
MacMahin, Arthur I-378n; and United Irish Committee I-378
McNaghten (McNaughten), and State prisoners of '98, I-262; 263; 414
M'Nally, Leonard, bribe, amount of II-149; Cooke, letter to II-25; and Curran, J. P. II-115; death II-149; and Emmet, R. II-132, 233; Emmet, betrayal of II-113; 115; and Emmet's last moments II-233; and Emmet, visit to before execution II-218; and Emmet's trial II-147; 148; 157; 175; 180; 196; 199; 201; 216; and Emmet trial, Norbury on II-211; and Emmet trial, request for postponement of judgment II-213; Farrell cross-examined by II-184; MacDonagh on II-149; and Marsden II-233; residence II-149; Robinson cross-examined by II-194; Sirr cross-examined by II-198; as spy I-208; II-113; 148; 234; and Tandy I-207; 208; treacherous kiss II-148; Tyrrell, cross-examination of II-173; and United Irish trials II-148

Macneven, Jane, John Patten Emmet, drawing of I-facing 446
——, William James, arrest I-322; 507; burial place I-531; and Byrne I-368n; II-80; Catholic assembly I-130; Catholic education, plan for I-100; Cloncurry on I-226; and Cook I-250; and Dalton I-501; and Directory of United Irishmen I-246; 317; Dublin Journal on I-323; Duponceau, P. S., letter to I-501; and Emmet family I-176; and Emmet, Robert II-105; Emmet, Judge Robert on I-277n; and Emmet, T. A. I-317; 339; 363; 394; 488; 502; 547; on Emmet's advocacy of Catholic Emancipation I-538; on T. A. Emmet's death I-490; Emmet's essay I-279; on Emmet at Fort George I-277; Emmet's letter to I-331; 332; 333; 384; 387; 388; 389; and Emmet monument I-497; 538; 539; and Emmet monument committee I-550; Emmet monument report I-543; 553; facsimile page of report I-facing 543; Emmet monument subscription I-551; 552; Emmet monument, unveiling I-539; on Emmet's punishment I-316; II-489; on Emmet's rejection of solicitor-generalship I-211; 510; 511; at Fort George I-273; 277; 277n; 550; and French aid I-332; 401; in French army I-383; 393; Government, agreement with I-250; 251; 254; 255; 258; Government report, protest against I-262; 321; 322; and Hamilton II-106; 308; 308n; Herbert's portrait of I-301n; facing 332; historical work, Emmet's contribution I-213; Jarvis portrait of I-facing 511; London Courier on I-323; McCormick, letter to I-394; manifesto, Buckingham on I-312; marriage I-154; memoir to government I-243; 261; 318; II-443; and Mitchell, Samuel L. I-513; on "Montanus" letters I-234; monument I-277; Napoleon, distrust of I-215; Napoleon, report to on Emmet movement II-219n; and O'Connor I-318; 359; 360; 366; papers confiscated I-323; Parliamentary examination I-252; on patriotism I-545; "Pieces of Irish History" I-514; on Plunket I-263; proclamation I-383; 386; Quigley's secret examination II-308; and Rebellion of 1803, II-29; satirical verses on I-327; and Secret Committee I-320; and United Irishmen I-228; and United Irish Committee I-376; 378; 379
——, Mrs. William James I-154
Macoubry, Diana. *See* Gerdwood, Diana Macoubry (Mrs. John)
——, Dr., of Anacloy I-165
——, Mr., grandson of Diana Emmet I-284n
——, Mrs., Dr. Robert Emmet's letter to I-248; T. A. Emmet's letter to I-165; 222
McPhea, ——, of Belfast, machine maker, Quigley's secret examination II-307
Macready, William Charles I-467n; Emmet, Robert (Judge), letter to I-468; and Emmet, T. A. I-466; 467; 469; nationality I-469; and Rowan I-466; and Shiel I-466
McSally, John, and Devlin, Anne II-33
McSheehy, Adj.-Genl. I-360n; and Emmet, T. A. I-360; and Irish expedition I-373; 379; and Irish legion I-383; and O'Connor I-360
Madden, John, and Emmet, Robert II-39
——, Richard Robert, on Arbour Hill II-15n; on Byrne I-368n; on Congreve rocket II-48; "Miss Curran's Lament" II-263; and Devlin, Anne II-32; 35; 36; 85; on Devlin, Anne, ill-treatment of II-34; and Douglas, Archibald II-4; and Duggan, B. II-55; on Emmet, spelling of I-176; and Emmet family I-176; 177; 212; 280; 502; II-132; on Emmet family vault II-285; on Emmet, Christopher Temple I-192; on Emmet, Jane Patten I-561; on Emmet, Dr. Robert I-177; 179; 183; II-ix-xii; 282; on Emmet, Robert II-5; and R. Emmet, betrayal II-113; "Robert Emmet and His Contemporaries", authorship II-273n; on R. Emmet's romance II-130; 131; on R. Emmet's biographer II-xii; on R. Emmet in the dock II-214; on R. Emmet's execution II-236; II-237; on R. Emmet's expulsion from Trinity II-8; and R. Emmet's grave II-284; 288; and R. Emmet's hiding place II-92; on R. Emmet's intellectual attainments II-4; R. Emmet, letters of II-26; R. Emmet, memoir of II-15; on Emmet's plans II-58; and Emmet's part in Rebellion of 1803 II-245; 246; on Emmet, Robert, poisoning incident II-6; Emmet's seal II-235; and Emmet's speech II-213; 220; on Emmet's speech, delivery of II-228; Emmet's speech, draft purchased by II-220; Emmet's speech, omission II-227; Emmet's speech, version of II-226; 229; and Mrs. R. Emmet's visit to Robert II-132; on Emmet, Thomas Addis I-177; 205; 206; 229; 390; 512; on Emmet and O'Connor I-337; on Emmet and Pitt I-216; on T. A. Emmet's funeral I-532; on Emmet's letter to King I-412; Emmet memoir, material for I-335; and T. A. Emmet, monument I-533; T. A. Emmet, Jr., letter from I-511; on English policy towards Ireland I-228; and Holmes, Robert II-133; 290; on Mrs. R. Holmes II-313; on Mrs. Holmes' burial II-321; Johnstone, search for II-83; "Literary Remains of the United Irishmen", poem by R. Emmet II-13; on Macneven's proclamation I-386; 386n; Manifesto of Provisional Government II-547; Marshall, letter from II-221; on "Montanus" letters I-233; Orangemen and Rebellion of 1803, II-247; Patrick Street explosion II-94; II-251; and Patten II-21; 43; 132; on Plunket I-262; on Plunket's speech II-209n; on Quigley's alarm II-85; on

Rebellion of '98, I-248; on Rebellion of 1803, II-29; 40; II-52; on Rebellion of 1803, failure II-59; on Rebellion of 1803, origin of II-57; 245; 246; on Russell I-269; on seals of R. Emmet II-23; on Sheares, decapitation of II-293; on Sirr I-310; II-269; 270; and State prisoners of 1798, I-254; 261; II-22; on Stuart I-277; on Tandy *vs.* Westmoreland I-207; on Trevor II-292; on Turner I-338; United Irishmen, work on I-212; on Whitty and Emmet II-277
Magrath, Mark, grand juror, Emmet trial II-145
Maguire, P., Howley portrait II-256; Redmond portrait II-256; Rourke portrait II-256
Mahon, John, in Butterfield Lane II-85
Mahony, John, nephew of C. Emmet I-165
Maidstone, State trials I-324
Maine, State, Temple lands II-351
Manders, Alderman, and Marsden II-102n
Mandeville, State prisoner, death II-230
Mangot, Commandant I-349
Manners, Charles, 4th Duke of Rutland. *See* Rutland
Mansfield, William Murray, 1st Earl of, governor, suit against I-209; 210; and Lovat I-466
Manslaughter, Coke's definition II-536; T. A. Emmet on II-538
Manumission Society, Emmet counsel for I-543
"Marcus", pseudonym I-231
Markey, Captain Thomas I-371; 371n
Marley, ——, State prisoner II-491; 492
Marlborough, John Winston Spencer Churchill, 6th Duke of, and Irish State papers, 1798-1803, II-244; 249
Marriage, and Popery Laws I-85
Marrowbone Lane, Dublin, in Emmet's "Plan" II-557
Marsden, Alexander, and Asgill II-101; 103; 104; and Atkinson II-102; and Aylmer II-102; and Clarke II-102; and Darley II-110; on Emmet II-106; Emmet's betrayer, payment of II-261; Emmet betrayal money, warrant for, facsimile II-261; and Emmet's correspondence in prison II-141; and Emmet's letter to his brother II-234; and Col. Finlay II-103; and Gen. Fox II-101; 102; Hardwicke, interview with II-101; and Hardwicke, statement to II-101; and Irish patriots in France II-95; and King I-416; and M'Nally II-233; and Manders II-102; Mason's arrest II-142; and Mrs. Palmer II-117; Patrick St. explosion, report on II-99; on Quigley II-105; and Rebellion of 1803, II-57; 245; and Rebellion of 1803, knowledge of II-246; II-247; Rebellion of 1803, statement II-105; on Russell II-105; and State prisoners of '98, I-415; and State prisoners' memorial II-37; and Major Swan II-103; and United Irishmen in France II-95; and Col. Wolfe II-102
Marshall, Henry, Emmet's speech, draft of sold by II-220; Emmet's speech, draft, letter on II-221
——, John, and Emmet, T. A. I-520; and Gibbons *vs.* Ogden case I-459; Life of Washington, Emmet on I-453
Marshall-lane depot. *See* Marshalsea Lane
Marshalsea Lane, illustration II-facing 47; depot II-46; 47; 142; 174; 182; depot (ill.) II-facing 46; Bannan II-86; Darley's testimony II-187; Emmet II-49; outbreak II-109; map of neighborhood II-facing 46; Rice's testimony II-185; Vassal's testimony II-186; Wilson's testimony II-188
Martial law I-242; 249; 257; Bill of 1799, Miss Emmet's protest II-563; 567; 568; Carhampton enforces I-239; I-240; in Dublin (1803) II-111; 242; "Montanus" on II-417; 418
Martin, ——, attorney, and Frayne, M. II-173
Martin, ——, artist, Emmet, T. A., painting of I-facing 391
Martyn, Margaret Emiott (Mrs. Roger) II-348
"Mary", memorial verses to T. A. Emmet I-497; 498
Mary Street barracks, Dublin, in Emmet's "Plan" II-558
Mason, town, New Hampshire I-vi
Mason family, II-360; crest II-360; and Dwyer, M. II-91; and Emmets I-175; 189; family connections II-351; Miss Guiney on I-189; in Kerry II-360; and Mr. Palmer II-91; and Temples I-189
Mason, ——, woodcut, Emmet monument I-552
——, Avis McLaughlin II-360
——, Mrs., and Emmet's speech, draft of II-221; 222
——, Catherine Power I-175; II-361
——, Elizabeth. *See* Emmet, Elizabeth Mason (Mrs. Dr. Robert)
——, George, Bill of Rights, and Proclamation of Provisional Government II-553
——, Henry Joseph Monck, "Essay on the Antiquity and Constitution of Parliament" I-531
——, James, father-in-law of Dr. Emmet I-175; II-341; 360
——, John, of Ballymae Eligot II-360
——, Sir John, of Sion House II-360
——, St. John I-305; 308; II-360; arrest II-114; 143; on Devlin, Anne, ill-treatment of II-36; G. Dunn bribed II-128; 138; and Emmet family I-176; II-115; on Emmet, Christopher Temple I-192; and Emmet, Robert II-140; R. Emmet, letter from II-144; R. Emmet, note to II-144; and Emmet's attempted escape II-114; 127; 138; 140; and Emmet's betrayal II-114; on Emmet's speech II-141; at Fort George I-274; 282; 337; Hardwicke, memorial to II-37; and Kilmainham investigation II-489-495; lawsuit I-301; magistrate's examination of

II-143; at Nenagh II-142; nom-de-plume, II-138; "Pedro Zendono" II-475; "Pedro Redivivus" II-490; on Plunket and Emmet I-263; prison experience I-265n; II-32n; 138; 143; 309; 491; 493; 494; 495; on Rebellion of 1803, II-141; and Russell I-274; Sea Point residence II-142; solitary confinement II-495; 495n; on Tandy *vs.* Westmoreland I-208; and Thomas St. murders II-142; Townsend's despatch on case of II-141; and Trevor I-511; II-139; and the Union II-114
Masonbrook, Masons of II-360
Masséna, André, Genl. and Emmet, T. A. I-345; and Irish expedition I-340; 342; 343; 345; 360; 369; 373; 374; and O'Connor I-347
Mass-lane. *See* Marshalsea Lane
Massy, Hugh, Capt., and Bulgadineedy II-339; Emet suit against II-339
Mayne, ——, State counsel, Emmet trial II-216; Mrs. Bagnall examined by II-194; F. Brady examined by II-190; Doyle examined II-193; and Farrell's testimony II-182; and Fleming's testimony II-174; 175; 179
Meath, Co., Rebellion of 1798, I-257
—— Street, Dublin, in Emmet's "Plan" II-558
Medical Society of the County of New York, and T. A. Emmet I-408
Medicine, Royal Society of, of Edinburgh, and T. A. Emmet I-204
"Memory of Sorrow" (Norman conquest) I-219
Merchant, George, and Republican meeting I-419
Merchant's Corps, Dublin I-99
Merchant's Quay, Dublin, in Emmet's "Plan" II-558
Middle Road, New York I-438
Middlesex, Co., Emmets of II-346
Middleton, Arthur, portrait of II-524
——, Mrs. Elizabeth, and T. A. Emmet's marriage settlement II-384
Military Law, Miss Emmet on II-314; *Cf.* martial law
Militia, Irish, Emmet on II-167; and United Irishmen I-145
Militia Bill I-99; 108
"Militia Officer", pseudonym I-231
Milton, Lord, and Catholics I-122; Treasury board bill I-126; and Wyndham I-123
Milton, Emmet residence I-181
Miranda, Francisco, in England II-498; expedition I-408; 515; II-497; 500; in French Army II-498; and Revolutionary war II-498; and South American independence II-498; and Spain II-498; in United States II-498
Misadventure, death by, T. A. Emmet on 534
Missionaries, Irish, on Continent I-6
Mitchel, John, Green St. court house, trial in II-581; Holmes' defence of II-320; 579; indictment II-582; jury II-581; Lefroy II-581; "The United Irishman", newspaper II-320; verdict II-586
Mitchell, Samuel L., and Emmet, T. A. I-203; 204; 484n; 491; 513; 513n; 514; 529; drawing by J. P. Emmet I-513; facsimile I-facing 513; verses on T. A. Emmet I-515; 516
Mitford, John Freeman, 1st Baron Redesdale. *See* Redesdale
Moira, Second Earl of. *See* Rawdon, Francis
Molesworth-street, Dublin, Emmet residence I-175; Emmet residence (ill.) I-facing 175; II-281
Molyneux, William, and Blackstone I-48; "Case of Ireland" I-30; on Irish legislative subjection I-33
"Moniteur", newspaper I-346n; 386; Robert Emmet's speech I-375
Monks of the Screw I-194
"Monopoly, the Root of All Evil", by O'Connor I-337
Monroe, James, in Paris I-352; 352n; 353
"Montanus", pseudonym I-231; II-393; identity concealed I-237; letter to, in the Press II-427; "Satanides", epitaph for I-240; "Satanides", letter to I-238
"Montanus Letters". *See* Letters from the Mountains
Montcastle, Lady, and Emmet family I-392; and Emmet, T. A. I-392
Montgomery, John B., and T. A. Emmet memorial I-497
——, Gen. Richard, monument I-534
Moore family, and Emmets I-153
——, Sir John, and Rebellion of '98 I-312
——, Katherine, of Limerick. *See* Nebane
——, Mary (Maryanne), sister of Thomas I-153; II-338; 339
——, Peter, on State prisoners, treatment of II-490
——, Thomas, of Cregg I-153; II-338; Bulgadineedy deeded to II-339; Bulgadineedy, lease of II-339; Emet estates sold by II-339
——, Thomas, poet, and Emmet, Robert II-4; 5; 9; 264; on R. Emmet's college speeches II-9; Emmet's speech in dock, draft of II-221; Fitzgerald, Lord Edward, Life cited II-4; on Fitzwilliam's recall I-226; and Irish music II-5; Memoirs of, cited II-9n; "O breathe not his name" II-260; patriotism II-5; 264; and "The Press" I-231; "She is far from the land" II-264; Trinity, letter to the students of II-5
Moran, Barney, Emmet's executioner II-238; and Lord E. Fitzgerald, capture of II-238; and Sirr II-238
Morlaix, United Irishmen at I-384
"Morning" (of Harvest Day), by Dr. Emmet II-353-357; Mr. Clarke's criticism I-166
Morris, Mary, and Morris estate I-471
——, Roger, and Astor I-471

Morse, Samuel F. B., Emmet, T. A., portrait of I-facing 517
Mott, Valentine, and T. A. Emmet's death I-476
——, William W., and Emmet's death I-475
Motto, of Emmets I-149; 150
Mountains, Letters from. *See* Letters from the Mountains
Mount Alto, McEvers residence I-156n
Mozart, Leopold, Dublin's appreciation of II-235n
Mulden, Michael, and T. A. Emmet monument I-497; 551
Mulvany, John, Emmet, Robert, portrait II-255; 256; "Sheridan's Ride", painting II-255
Mumford *vs.* McPherson case I-408
Munster, Defenderism in I-115; loyalty I-320; Provisional Government's appeal II-549
Murder, T. A. Emmet on II-530
Murphy (feather dealer), and Fitzgerald, Lord Edward II-238
——, Capt. John I-349; 349n; 359; and Emmet, T. A. I-364; and Irish expedition I-347; 361; 363; 364; 365; 369
Music, Irish, and Emmet, Robert II-5; and Moore II-5
"Musical Performer, On a Certain", verses by "Old Towler" II-214n
"My Own Land, I Love Her Still", verses by R. Emmet II-240
"Myrtle, The", poem by Christopher Temple Emmet I-195; 199; 200; 201

Naas, gaol, Anne Devlin at II-34; garrison II-102
Napier, Sir William Francis Patrick, on *Fag a Bealač* I-vii
Napoleon, Egypt, invasion of I-381; and Emmet, Robert II-29; 30; 49; and Emmet, T. A. I-179; 336; 339; 343-47; 349; 361; 362; 379; II-219n; T. A. Emmet's memoir I-364; 375; 383; 384; 386; T. A. Emmet's memoir, reply to I-385; Emmet's memoir, reply to, French text II-496; England, invasion of, averted I-243; generalship I-382; and Ireland, R. Emmet on II-62; Ireland, report on II-80; and Irish expedition I-339; 340; 342-44; 349; 361; 375; 377; 381; 382; 387; 387n; II-30; 62; 496n; and Irish independence I-374; II-29; 496; and Irish Legion I-385; 394; and Irish officers I-374; and Macneven I-332; and O'Connor I-339; O'Grady on II-166; and Pitt I-215; 242; 381; 382; and Rebellion of 1803, I-258; 368n; on Union, Anglo-Irish II-61; and United Irishmen I-376; 377; 381; II-53; 95
Napper Tandy Publishing Company, and Madden's work I-212
Nassau Street, New York, Emmet residence I-438; II-525
"Nation, The", on R. Emmet's failure II-56; "Marching Song of the Volunteers" II-588
National Federation, cablegram, facsimile II-facing 331
National Gallery, R. Emmet's death mask, replica II-292; 292n
National Library of Ireland, Joly collection II-256
Nationalism, Irish I-32; American aid II-330; development I-7; English opposition I-60; 61; and provincialism I-8; United Irishmen I-69
National Philosophy Society of Edinburgh University I-204
Natural History and Research, Society of, of Edinburgh, and T. A. Emmet I-204
Naturalization, and Emmet, T. A. I-481; and Irish I-ivn
Navigation, and State rights I-459
Navy, British, compulsory enlistments II-400; insurrection, plan for I-373; and Ireland, II-458; 463; Irish members I-76; mutiny II-419; and United Irishmen I-245; 381
Neave, Anne, legacy to II-342
Nebane, Katherine Moore II-338; 339
Neilson, Samuel I-414n; and Act of '98, I-261; arrest I-269; and Cooke I-414; and Emmet, T. A. I-xvi; 230; 339; Emmet monument subscription I-552; at Fort George I-273; and Hope II-66; memorial to Government I-318; monument I-231; on O'Connor, Government treatment of I-336; and Ponsonby Bill I-244; protest to Government I-414; and United Irishmen I-xvi; 225; 230; 316
Nelson family II-351
——, Mehitable. *See* Temple, Mehitable Nelson (Mrs. Robert)
Nenagh, Mason's arrest II-143
"Nereide" case, and Emmet, T. A. I-527
Newenham, Sir Edward, and Emmet family I-176
Newgate, prison I-249; Emmet, Robert II-137; 220; 229; R. Emmet's body removed to II-236; 237; R. Emmet's support, cost of II-229; Emmet, T. A. I-249; Fitzgerald, Lord Edward, cell I-249; and Green St. Court House II-137n; (ill.) I-facing 249; State prisoners of '98, II-22; Trevor II-229n
"New Hampshire Grants" I-vi; II-351; Temple holdings II-351
New Jersey, steamboat legislation I-428
Newlands, Kilwarden's residence II-86
Newmarket, Curran, Sarah, grave II-265
New Perth, town, New Jersey, origin of name I-154
New Ross, battle I-250; 257; 261
New Street, Dublin, Emmet's "Plan" II-558; insurrectionists in II-76
New York, alienism, laws governing I-398; 399; allegiance, oath of I-399
—— *Bar*, Emmet's admission to I-406; 483; Emmet's death I-484; Emmet's deportment I-521; Emmet eulogy I-495; Emmet memoir I-505; Emmet memorial tablet I-535; Emmet resolutions 479
—— Board of Aldermen, Emmet's death

I-530; Common Council, Emmet resolutions I-475; Corporation, Emmet funeral I-480; Corporation, Emmet's death I-491; Court of Errors, Emmet's reply to Henry I-521; Fitch grant II-517; Friends of Ireland, and Emmet monument I-544; Livingston-Fulton grant II-517; old streets I-438; political parties I-410; Provost Jail, Cunningham's brutality II-230n; religious intolerance I-402; 464; 465; Robinson's drawings of I-555; yellow fever epidemic I-456
Nicholas Street, Dublin, insurrectionists in II-76
Nicholson, William, and Cappanagarron estate II-340
"No More My Fond Bosom", poem, by Dr. R. Emmet I-174
Noms, and Byrne II-83; and Emmet, Robert II-43; 44; 83; identity II-43; 44; 82; and Wickham II-82. *See* also Norris
Nonconformists. *See* Dissenters
"Noon" (of "Harvest Day") by Dr. Emmet, II-358; Mr. Clarke's criticism I-166
Norbury, John Toler, 1st Earl of, autograph, facsimile II-facing 211; and Barrington II-87; and Beresford faction I-510; on Emmet, Christopher Temple II-225; character, R. Emmet on II-224; 227; 227; R. Emmet's capture II-212
—— *R. Emmet trial* II-172; 175; 198-201; Brady's evidence II-192; charge to jury II-211; on Emmet's counsel II-211; on Emmet's indictment for high treason II-211; Emmet's speech II-214; 215; 224-227; on evidence of accomplices II-212; sentence II-214; 216
—— and Fitzwilliam I-122; 121; judicial murders of II-167; and Kilwarden's death II-87; O'Connell on II-167n; Petrie's portrait sketch II-254; Petrie's sketch, facsimiles II-facing 211; 253; and Pitt I-510; and Republican leaders II-215; and the Union II-87; verses, "Old Towler" II-214n
Norfolk, Charles Howard, Duke of, and O'Connor I-324
Normandy, and England I-11
Normans, Emerson on I-219; English descendants I-v; vi
Norris, ——, tanner II-83; and Byrne, M. II-61; and Emmet, Robert II-61; 83; and Patten II-61; Quigley's secret examination II-309. *See* also Noms
North Carolina, Irish settlers I-vii
North Cork yeomanry, and Catholics II-58n
"Northern Star", newspaper I-82; 101; 104; prosecution I-94; 115
"Northern Whig", pseud. I-82
Norwood, Daniel, Lord II-87
"Notes and Queries", Curran, Sarah, correspondence concerning II-269
Nova Scotia, reversion to Crown II-351; and Temple family II-350
Nowlan, Michael, State prisoner II-492
Nugent, General, and Rebellion of '98, I-312
Nutley, Richard, Crossoil lands, grant of II-383

Oakley, Thomas J., and Gibbons *vs.* Ogden case I-459
Oates plot, "Montanus" on II-404
Oath, and office I-399; Parliamentary I-111; of United Irishmen I-118; 246
Oblivion, Verses to, by M. A. Emmet (Mrs. Holmes) II-316
"O, breathe not his name", Moore's verses II-260
"Observations on the Conquest of Ireland", by T. A. Emmet I-5
O'Connell family, of Derrynane, and Emmets II-361
——, Daniel, on Norbury II-167n; 227; and Repeal II-584; 585; and the Whigs II-585
O'Connor, Arthur, ability I-232; ambition I-339; 379; 400; 401; and Bell, Hugh II-308n; and British Government I-336; 338; 339; and Byrne I-357n; on Catholic Bill I-136; Cloncurry on I-226; and Corbet I-365; 366; and Dalton 341; and Directory, United Irish I-246; 317; "Dublin Journal" on I-323; egotism I-232; and Emmet family I-176; and Emmet, T. A. I-x; xi; xvi; xvii; xx; 246; 317; 336; 337; 338; 341; 342; 344; 351; 353; 355; 357n; 359; 360; 361; 362; 365; 366; 369; 370; 371; 375; 378; 379; 380; 488; II-22; 23; Emmet, duel with, averted II-23; and Erskine I-324; and Fitzgerald I-334; at Fort George I-273; 319; 327; 335; 336; and Fox, C. J. I-324; and French aid I-324; 346; 369; and French army I-393; French negotiations I-373; and French spies I-215; Government, agreement with I-251; Government report, protest I-262; 321; 322; and Harty I-353; as informer I-272; 319; 338; intrigues I-335; Lecky on I-xx; xxi; "London Courier" on I-323; and McMahon I-378; and Macneven I-366; Madden on I-337; "Manifesto" I-312; 319; and Masséna I-347; memoir to Government I-249; 261; 272; 318; II-443; military ambition I-337; 379; "Monopoly, the Root of All Evil" I-337; and Napoleon I-339; Nelson on I-336; and Norfolk, Duke of I-324; and Oxford I-325; papers confiscated I-323; in Paris I-344; Parliamentary examination I-252; and "The Press" I-xviii; 212; 231; and reclamation list I-353; 357; reform resolutions I-249; and Russell, Lord John I-325; satirical verses on I-327; and separation II-278; and Sheridan I-324; and State prisoners I-320; 336; and Suffolk, Earl of I-334; and Taylor, M. A. I-324; and Thanet I-325; and Tierney I-325; and Turner I-338; and United Irishmen I-339; 344; 350; 351; 353; 355; 356; 363; 370; and United Irish Committee I-376; 377; 384; violent measures I-233; Whig evidence

for I-324; and Whitbread I-325; Wickham's reference to I-271
O'Connor, Mrs. Arthur, at Fort George I-282; 327; 335; 336
——, Bernard, and T. A. Emmet memorial I-497
——, Lawrence I-140
——, Roger, and Emmet I-337; at Fort George I-273; and "The Press" I-231; and State prisoners I-336; as United Irishman I-228
——, William, Emmet monument subscription I-552
O'Conor, Charles, on Emmet, T. A. I-464; Emmet monument subscription I-552; on Emmet's newspaper contributions I-539n; on intolerance in New York I-465
O'Driscoll, ——, Emmet's defence of I-228
Ogden, David B., lawyer I-421; and Astor suit I-471; and Emmet's death I-473; 485; and Emmet's funeral I-486; and Emmet memorial I-495; Gibbons' suit against I-458; 459
——, Hannah, and Emmets I-449
——, Harriet, and Emmets I-461
——, Sally I-447
Ogle, ——, and Catholic relief I-126
O'Grady, Standish, and Curran II-267; R. Emmet's courage disparaged by II-163; on Emmet's flight II-165; Emmet indictment II-157; on Emmet refusal to reply in trial II-202; Emmet's secret examination II-122; on Emmet's speech II-213; on Emmet trial II-149; 194; 197; 213; 216; 218; Emmet trial, opening address II-157-170; Emmet trial, recommendation to jury II-169; on French Revolution II-166; on Ireland, administration of justice in II-167; on Napoleon II-166; on Provisional Government II-161; 162; Provisional Government, proclamation of II-159; 164; on Rebellion of 1803 II-158; Sirr examined by II-198
O'Hara family, and Emmets I-175
O'Hara, ——, petition I-85
O'Hart, John, on Emmet-Curran love letters II-269; 271
Old Bridge, Dublin, in Emmet's "Plan" II-558
Oldham, John, Grand juror, Emmet trial II-145
"Old New York from the Battery to the Bloomingdale", by Eliza Greatorex I-555
"Old Towler", pseud. II-214n
O'Mealy, ——, Quigley's secret examination II-307
Orangemen I-141; Armagh outrages II-457; and Catholics I-142; II-447; and Camden II-246; and Defenders I-142; at the Diamond I-141; and T. A. Emmet's memory I-533; and Government II-418; and Greenwich village Irishmen I-464; I-466; and Hardwicke II-246; and Irish Government II-246; legal prosecution of I-143; Montanus on II-399; outrages legalized II-447; 451; Proclamation of Provisional Government (short) II-197; Provisional Government, appeal to II-164; and Rebellion of 1803 II-79; and United Irishmen I-143; II-457; and Volunteers I-141
O'Reilly, George, and Tandy's suit I-207
——, Terence I-375; 375n
Orendorf, Henry, Emmet letter I-424
Oriel, John Foster, Baron. *See* Foster, John, Baron Oriel
Ormond-Quay, Dublin, in Emmet's "Plan" II-558
Ormsby, ——, grocer, and Farrell II-182
——, Sir Lambert H., R. Emmet's body, search for II-286; 292; 294; and Fraser II-294; Trevor vault, report on search of II-293
——, Peter Benson, and Burr I-424
——, Stephen, of Kentucky I-424; Emmet's letter to I-424
Ormsby Station, Kentucky I-424
Osborne, Judge, Kilmainham investigation II-491
Ostmen. *See* Scandinavians
Ostrander, Gideon, and Emmet's death I-475
Oswald's School, Dublin, Emmet, Robert at II-3
Ottiwell, Mr., contempt of Parliament I-137
Ovidstown, capitulation of I-255
Oxford, Magdalen foundation I-221
——, Lord, and O'Connor, Arthur I-325

Packed jury I-211; II-156; Government employ II-167n; for Irish patriots II-112; Mitchel trial II-586
"Paddies from Cork" I-402n
Pakenham, General Sir E., death II-87; Union bribe II-87
Palace Street gate, Dublin, in Emmet's "Plan"
Pale, system of, in Ireland I-12
Palmer family, and Rebellion of 1798 II-62
——, Capt., on United States I-308
——, Mrs. Ann, deposition II-117; and "Devil's Brief" II-147; and Emmet, Robert II-32; 78; 117; 125; 165; and Emmet's alias II-166; and Emmet's arrest II-114; 116; Emmet's concealment with II-92; and Emmet's handwriting II-117; examination II-117; and Insurrection Act II-117; 118; and Sirr II-198
——, Augusta Temple, marriage I-286n
——, Biddy, and Byrne II-62; and Emmet, Robert II-62; and Rebellion of 1798 II-62
——, John, and ammunition II-73; arrested II-100; and Butterfield house II-70; and Emmet, R. II-62; Fleming's testimony II-176; Hardwicke, memorial to II-37; and insurrectionists II-100; Rebellion of 1803 II-51
——, Joseph, and "Devil's Brief" II-147; Emmet's disclosures to II-204; Emmet trial, evidence II-194
——, Thomas, Emmet juryman II-157
——, William, at Casino I-286; marriage I-286n

Palmerston, Henry John Temple, 3d Viscount, descent II-350
Pardon and Banishment Act. *See* Banishment
Parker, ——, of the Liberty Rangers, death II-105
Park-gate Street, Dublin II-236
Parliament, English, Catholic rent prohibited I-544; corruption in I-58; and Irish distress I-50; and Parliament, Irish I-45; I-46; I-52; Pitt's commercial measure modified I-63; prison investigation I-265n; reform opposed I-508; representation, Irish I-548; and trade, Irish I-38; and Volunteers I-547; Whig cession II-425
Parliament, Irish, and Anglo-Irish relations I-548; annual sessions, United Irishmen advocate I-507; buildings (ill.) II-facing 23; Catholic disabilities I-546; II-567; Catholic education plan I-137; and Catholic Emancipation II-568; and coercion II-565; and commerce, British I-38; and conciliation II-566; corruption I-58; 59; 64; 73; early I-37; Miss Emmet's letter to II-314; 563-570; English domination I-224; English legislation I-26; 33; 52; and independence, Irish II-566; and Irish people II-576; last meeting II-23; liberty to petition I-110; legislative power I-23; and martial law bill II-567; Molyneux on I-33; and patriotism II-569; 573; Pitt's commercial measure I-62; popular representation in I-58; and Poynings' Law I-24
——, *reform* I-xiii; 59; 65; 81; 117; 131; II-413; 568; Catholic relief I-66; and Fitzwilliam's recall I-127; and Friends of Peace I-111; and general committee I-108; Government opposition to II-399; 425; and Irish people II-460; 462; Montanus on II-410; Parsons, Sir Lawrence I-124; Ponsonby Bill I-111; 113; and Union, Anglo-Irish I-548; II-566; 568; 569; 573; and United Irishmen I-182; 111; 114; 133; 135; 211; 225; 243; 507; 545; 547; II-450; 452; and Volunteers I-60; 223; 547; Whig secession II-425
——, religious bigotry I-38; representation in, and United Irishmen I-261; 507; session of 1782, I-54; session of 1794, I-112; subjugation I-24; 26; 35; 39; 45; 46; 56; 63; Union I-316
Parliament Street, Dublin, in Emmet's "Plan" II-558
Parliamentarians, Cromwellian I-14
Parliamentary Reform. *See* Parliament, Irish, reform
Parnell, Sir John amendment I-112; T. A. Emmet's examination II-470; and reform I-98
Parsons, Sir Lawrence, and absentee tax I-126; on Catholic relief I-99; and Fitzwilliam's recall I-128; and militia I-114; and Parliamentary reform I-99; 124; 125; on representation, parliamentary I-113; taxation, estimate of I-125
——, Sir William I-14
Partridge, Capt., Emmet's letter to I-426
Patent rights, T. A. Emmet on II-519
Patrick-Street, Dublin, depôt II-46; 55; 63; 64; 78; 160; ammunition II-72; discovered II-100; explosion I-368; II-72; 73; 95; 160; 175; 251; explosion, and Government II-84; 108; McDaniel II-84; Madden on II-251; Marsden's report II-99; Pitt II-94; Plunket on II-203; Wilson's testimony II-188; illustration II-facing 64; insurrectionists II-76; map of neighborhood II-facing 64
"Patriot and His Mother, The", poem by Mrs. Lenox-Conyngham II-134
Patriots, Irish, burial place, Dublin II-15n
Patten family I-220; coat of arms I-221; and Mrs. T. A. Emmet I-222; family connections II-351
——, James, M.D., and T. A. Emmet, marriage settlement II-383; 385
——, Jane. *See* Emmet, Jane Patten
——, Rev. John, father-in-law of T. A. Emmet I-220
——, John I-222; 302; arrest I-367; 369; at Casino I-288; and "Devil's Brief" II-147; and Emmet family I-307; II-132; Emmet, Jane Patten, letter from I-561; Margaret Emmet's description of I-157n; and Emmet, Robert II-8; 9; 21; 43; and R. Emmet, escape urged II-78; and R. Emmet's grave II-283; 288; 289; and R. Emmet's seal II-23; 235; and Emmet, T. A. II-61; 437; II-23; and Emmet-O'Connor quarrel II-23; at Fort George I-286; Hardwicke, memorial to II-37; 230n; and Holmes, Robert II-133; 289; imprisonment II-288; in Kilmainham II-309; 491-493; and McNally's last interview with Emmet II-234; and Madden I-212; II-43; 132; and Norris II-82; and Norris II-61; and O'Connor I-338; Rebellion of 1803 II-118
——, Mrs. John, and Mrs. Graves I-560
——, John, Jr. I-222
——, John, Dean of Chichester I-220
——, Margaret Colville I-220; at Casino I-284; T. A. Emmet's marriage settlement II-383; 384
——, Margery Brereton I-220
——, Richard, of Derbyshire I-220
——, Richard, of Waynfleet I-220
——, William. *See* Waynfleet, William
——, Rev. William, arms I-221
Patterson, Charles, on Emmet, T. A. I-550
——, Helen Bache, and Emmets I-444
——, General Robert, and T. A. Emmet memorial I-503
Pattison, Commandant, and Hayne I-417n
Peace, commission of the, and military officers I-106; and Protestant clergy II-401
——, Friends of, society I-111; and United Irishmen I-118
Peasantry, Irish, and aristocracy II-435; character II-435; degradation I-79
"Pedro Zendono", Mason's pamphlet II-475; (Trevor) II-139; 477; *Cf.* Trevor

"Pedro Redivivus", by St. J. Mason II-490; cited II-37
Peel, Sir Robert, and Irish sufferings II-88; and Norbury II-88; and Royal Irish Constabulary II-88
Peep-o'-Day Boys I-140; 141; and Defenders I-103; 225; II-447; organized I-100; and United Irishmen II-447
Peerages, Government sale of I-64; "Montanus" on II-397
Peers, legal actions against I-210
——, English, and alienism I-397
Pelham, Thomas, 2nd Earl of Chichester, Home Secretary, Wickham, William, letter from II-129; and Rebellion of 1803, preparations for II-58
Penal laws, in Ireland II-453; Miss Emmet on II-567. *See also* Popery Laws
Pennefather, Judge Edward, and Emmet family I-176
——, Richard, and Emmet family I-176
Pennsylvania, Irish in I-ix
Percival, Lieutenant, and Emmet, T. A. I-474; trial I-474
Pergelly, Thomasin Emmett (Mrs. Timothy) II-348
Perjury, British encouragement of II-402; 404
Perrot (Parrot; Perrott), Messrs., in Butterfield lane II-85; capture, reward for II-261; and Emmet, Robert II-39
——, Sir John, Irish policy I-42
Perth, James, Earl of, and Perth Amboy I-154
Perth Amboy, N. J., origin of name I-154; and Emott, James II-345
Petrie, George, Curran, Sarah, supposed likeness of II-265; Emmet, Robert, death mask II-254; 259; 288; 292; (ill.) I-facing 372; Emmet, Robert, head II-260; 296; Emmet, Robert, sketch of II-253; 254; 255; 257; Emmet, Robert, sketch of, facsimile II-facing 253; Howley portrait II-256; Norbury, sketch of II-254; Norbury, sketch of, facsimile II-211; facing 253; Redmond portrait II-256; Rourke portrait II-256
Petty, Lord Henry, St. John Mason's letter to I-274
Phibbs, Mary. *See* Cuthbert
Philip, Mr. I-447; 447n
Philips, Joanna, and Astor suit I-471
Phillips, Charles, on Burrowes I-194; on Dr. R. Emmet I-180; on Tone I-267
Phoenix Park, magazine II-103
Pichegru, and Pitt I-215
"Pierre", memorial verses to T. A. Emmet I-488; 489
Pigeon House Fort, Dublin, and Rebellion of 1803, II-47; 71; 75; 557
Pikes, Brady's evidence II-192; in Emmet's "Plan" II-559; Farrell's testimony II-183; jointed, Emmet devises II-65; utility of II-49
Pill-lane, Dublin, in Emmet's "Plan" II-558
Pilsworth, Godwin, Grand juror, Emmet trial II-145
Pine Street, New York, Emmet residence I-438; II-525
Pinkney, William, and Emmet I-460; 520; Judge Story on I-526
Pintard, John, and Emmet I-409
Pistols, for Emmet-O'Connor duel II-23
"Pitch cap", inventor I-326; and Sirr's Battalion of Testimony II-148n
Pitt, William, and Anti-Unionists II-42; and Beresfords I-123; and Camden I-216; and Catholic Emancipation II-58n; death, State prisoners released II-38; and Emmet, Robert II-29; 245; and Emmet, T. A. I-xxi; 211; 316; 318; 511; on English commercial policy I-62; Falkiner on I-217; and Fitzwilliam I-127; and France II-577; and French expedition to Bantry Bay II-462; and Holland II-577; and Ireland, Montanus on II-399; Irish commercial measure I-62; 63; Irish, corruption of II-395; and Irish Government II-395; Irish policy I-178; 214; 218; 224; 228; 248; 316; and Irish political trials II-248; and Irish reform I-60; Marsden, letter to II-248; misgovernment, R. Emmet on II-54; "Montanus on" I-236; II-397; 424; 425; and Napoleon I-215; 242; 381; 382; and Parliament, Irish II-575; and Patrick Street explosion II-94; rebellion fostered by II-577; and Rebellion of 1798, I-214; 316; 317; 381; II-94; and Rebellion of 1803, II-57; 94; 148; 244; 245; 250; 251; and Toler (Lord Norbury) I-510; and treason I-555; and Turner II-23; and Union II-251; 278; 575; Universities questioned I-88; and Whigs, English I-119; and Whigs, Irish I-120
Place Bill, passed I-111
"Plan of the Insurrection in Dublin", by R. Emmet II-232; published II-234
Plant, Jane Emmett (Mrs. James) II-343
Plantation, system of, in Ireland I-12 16
Plunket, Wm. Conyngham, on conspirators of 1803 II-207; defection II-53; and Emmet family II-24; and Emmet, Robert II-24; and R. Emmet trial II-149; 201; Emmet trial, address II-202; 209; on R. Emmet as arch-conspirator II-207; and Emmet, T. A. I-262; 263; on Fleming's evidence II-203; and Frayne's testimony II-173; 174; on French alliance II-206; and Holmes, Robert II-320; and Ireland, history of, special pleading II-206n; on Ireland, oppression of II-206; on Irish independence II-205; on liberty and equality II-208; on Provisional Government II-207; Provisional Government, manifesto of II-206; on Rebellion of 1803 II-205; Robinson's examination II-194; speech, Dr. Madden on II-209; as State Counsel, Emmet trial II-216; and Union, Anglo-Irish II-24; 149; 205; Wilson examined II-188
Plymouth, England, Emmets I-152; II-347
Pole Carew, Wickham's letter to II-117

Pollock, John, and Emmet I-214; as informer I-214
Ponsonby family, and Catholic Emancipation I-121
——, George, and Fitzwilliam's recall I-126; 128; and leather tax I-126; Reform Bill I-111; 113; 243; 244; and Tone I-267
——, Gerard, Romney's portrait of S. Curran II-268
——, William, and Fitzwilliam I-120; and Parliamentary reform I-125
Pope, Anne, legacy to II-342
Popery Laws, Irish I-17; 74; 78; 506; 545; Butler's "Digest" of I-81; Catholic agitation I-83; clause I-100; effects II-469; Emmet on I-463; enacted I-45; of James I I-13; and Peep-o'-Day Boys I-141; relaxation of I-18; 54; and Tone I-82; and United Irishmen I-114
"Popish Congress" I-102
"Porcupine, Peter", pseudonym. *See* Cobbett
Portland, William Henry Cavendish Bentinck, 3rd Duke of, and Catholic Emancipation I-122; 123; and Emmet, Jane Patten I-275; 327; 507; Falkiner on I-217; and Fitzwilliam I-120; 124; 129; 217; on Habeas Corpus I-297; King, Rufus, Letter from I-411; and Pitt I-119; and State prisoners of '98 I-274; Stuart, letter to I-275; and Union I-243
Pounden, Joshua, Grand juror, Emmet trial II-145
Powell, Dr., and Emmet family II-288
Powell, Rev. Wm., schoolmaster I-442n; and Emmet family I-442; and T. A. Emmet memorial I-497; Emmet monument subscription I-551
Power, Mr. Baron, and Tandy *vs.* Westmoreland I-210
——, Catherine. *See* Mason, Catherine Power
——, John, legacy to II-342
——, Rev. John, and Emmet monument collection I-551
——, Laurence, and T. A. Emmet memorial I-497
——, Mary, legacy II-342
——, Dr. Maurice, Emmet monument subscription I-551
——, Pierce I-175; II-361
Poyle, James, and Patten's imprisonment II-288
Poynings' Law I-23; 37; Holmes on II-584; importance of I-24; nature I-24; repeal I-52; 56; results I-25; and Volunteers II-584
Pratt, Sir John Jeffreys, Earl of Camden. *See* Camden
Presbyterians I-223; and Catholics I-16; 143; II-446; and Orange outrages II-447; *Cf.* Dissenters
Press, Government attacks I-114; liberty of, "Montanus" on II-422; II-423; repression of I-61; 140; political influence I-82
"Press", newspaper I-xviii; 212; I-230; 231; anonymous article 241; Cloncury's contributions II-24; Emmet, M. A., contributions II-318; R. Emmet's contributions, "London Pride and Shamrock" II-11; T. A. Emmet's contributions I-232; "Montanus" Letters II-393; facsimile page of Montanus letter I-facing 234; Montanus, reply to II-427; Moore's letter II-5; suppression I-237; I-322
Preston, Wm., and "The Press" I-231
Prime minister of England, 1783-1806: *See* Pitt
Prine, Emily I-447
Pringle, Sir John, T. A. Emmet's use of I-203
Priory, The, Curran's residence I-194; searched II-126; 129; 267
Prisoners, Irish, British ill-treatment of II-230n
Prisons, Irish, abuses I-249; 264; 265; 266; 275; II-32n; Mason's disclosures II-477
Pritchett, Felix, legacy to II-342
——, Hannah, legacy II-342
Property, and franchise I-111
Protection, commercial, popular demand for I-63
Protestant Ascendancy I-xiv; 17; 77; 223; 346; agitation for I-89; defined I-90; Grattan on I-86; II-242; in Ireland I-546; II-250; Montanus on I-236; II-396; and United Irishmen II-445
Protestants, Irish I-12; 14; 16; 17; and Catholics I-546; II-445; and Emmet, Robert II-112; and Fitzwilliam's recall I-129; and Parliamentary reform I-108; and persecution I-546; Proclamation of Provisional Government (short) II-197; and Rebellion of 1803, II-54; as United Irishmen I-143
Provisional Government, Irish I-359; army officers, election of II-551; and church lands II-551; civil officials, payment of II-552; Connaught, appeal to II-549; county committees, duties of II-551; 553; county committees, election of II-551; court martials II-551; and England II-548; and English hostages II-548; English property in Ireland II-551; Irish, failure I-368; Irish, and French aid II-222; Irish, and French aid, Emmet on II-223; Government, British, appeal to II-550; and Irish reign of terror II-550; law, administration of II-551; legislative assembly, provision for II-552; Leinster, appeal to II-548; messengers of, identification II-70; military regulations II-551; Munster, appeal to II-549; and Napoleon I-361; and O'Connor I-363; O'Grady on II-161; II-162; and Orangemen II-164; Plunket on II-207
——, *proclamation* I-369; II-97; decrees of, text II-551; Doyle's testimony II-193; Emmet on II-225; Emmet's authorship II-147; 153; Evelyn's testimony II-187; facsimile II-facing 185; Farrell's testimony II-184; Fleming's testimony II-176; handwriting II-221; indictment II-151; and Kilwarden's murder II-117; Norbury on II-212; O'Grady on II-159; original draft II-117; Palmer's

evidence II-196; Plunket II-206; (short) read II-197; Rice's testimony II-184; II-185; Robinson's testimony II-194; seized II-164; text II-547; Vassal's testimony II-186
Provisional Government, public funds II-551; rebellion, justification of II-549; rebels II-551; and religious grievances II-549; rent, payment of II-551; securities, transfer of II-551; Ulster, appeal to II-548
Public Safety, Committee of, French I-112; and Jackson, William I-115
Pynes, Elizabeth I-151

Quaid, David A., on Dr. R. Emmet's will I-184; 185; on Emmet, Robert I-175; and Emmet body, search for II-294; and Emmet, Robert, grave II-284; 286; 287; II-321; and Fuller's search for Emmet's body II-292; on Holmes, Robert II-320
Queen's Bridge, Emmet's journey to the gallows II-236
Quigley, ——, priest, and Covenanters I-133
——, Michael, alias II-179; 182; arrest II-84; 85; and Banishment Act II-162; at Butterfield lane II-85; 309; and Byrne II-74; capture, reward for II-261; and Father Connolly II-306; and Costigan II-306; death II-309; and Duggan, B. II-84; and Emmet, Robert II-39; 105; 203; 204; 308; 309; and Emmet betrayal II-84
——, *examination, secret* II-306; 309; Delany II-307; Hamilton II-307; Lawless II-307; Lewins II-307; McCabe II-307; McDermot II-307; Col. McDonnell II-307; McDonnell (little) II-307; McPhea II-307; O'Mealy II-307; Tissan II-307; and Ware II-307
——, false alarm II-84; 85; and Farrell II-182; 184; Fleming's testimony II-176; in France II-306; and Hamilton II-106; in hiding II-97; and J. Hope II-84; as informer II-98; 309; and Kilby I-306; Kildare mission II-309; 309n; in Kilmainham Gaol II-85; and Louisiana settlement project II-307; and McCabe II-306; and McDermot II-306; Marsden on II-105; pardoned II-306; in Paris II-106; pikes, number of II-104n; and Privy Council II-85; and Provisional Government II-162; and Rebellion of 1803, II-45; 50; 53; 96; release, Hardwicke on II-309; return from Continent II-64; 106; 106n; and Riley II-306; and Rose II-306; in Rouen II-106; and Smith II-306; uniform, Fleming's testimony II-178; and Ware II-306

Ragheen, Emmet estate II-342; T. A. Emmet marriage settlement II-383; R. Emmet's interest II-387
Rainsford-street, Dublin, in Emmet's "Plan" II-558
Randall, Robert Richard, and Sailors' Snug Harbor I-496; and Emmet, T. A. I-543n
Randolph, John, and Emmet, T. A. I-521
——, Stuart F., and Emmet's death I-475
Rathfarnham, Curran's residence II-129; Emmet home I-222; in R. Emmet's plan II-558; Russell at I-267; 268; Tone at I-267; 268
Rawdon, Lord Francis, and Hayne I-417n
Rawlins, Joseph, and "Devil's Brief" II-146; testimony II-171; 172n
Read, Elizabeth, bequest to II-340
——, John, of Slanestown, and Emet, William II-340
—— (Reed), Thomas, plan for naval insurrection I-373; 373n
Rebellion, M. A. Emmet on II-576; R. Emmet on, Whitty cites II-276; and Emmet, T. A. I-549; Government foment II-569
—— of 1641, Emet, William II-339
—— of 1798, I-246; 250; battles I-257; Byrne II-60; 61; causes II-459; Father Connolly II-306n; and Delany, Malachy II-25; Emmet, Mary Anne (Mrs. Holmes) II-313; and Emmet, Robert II-21; and T. A. Emmet I-233; 278; II-459; end II-99; failure I-255; 260; and French aid I-258; 260; governmental policy I-227; 248; 318; II-248; Lord Holland on I-227; Holmes II-89; Lake's proclamation II-452; McCabe II-75; Col. McDonnell II-307n; Madden on I-248; military excesses II-15; O'Connell on I-271; Palmer family II-62; Pitt I-214; 316; 317; 381; II-94; and Rebellion of 1803, I-333n; II-164; Russell, Lord John, on I-228; Scottish soldiers II-238n; slaughter I-316; State prisoners' agreement I-253; 312; suppression I-249; Turner I-338; Ulster's attitude II-452; and Union, Anglo-Irish I-316; and United Irishmen I-317; II-450
—— of 1803, I-371; 372n; II-94; 248; arms II-48; 104; 151; 183; and Bannan II-86; Brady's evidence II-192; Burrowes II-247; Byrne II-60; 61; 76; and Castlereagh II-246; cause I-381; Cloncurry II-29; Cloney II-67; and Lieut. Coultman II-111; Condon II-79; Father Connolly II-306; Darley's account II-110; date fixed II-102n; delayed II-49; depôts II-46; 47; Dwyer, Michael II-38; 99; and Emmet, Robert II-4; 225; 251; R. Emmet's associates II-96; Emmet's plan II-54; 557; R. Emmet's preparations II-52; and Emmet, T. A. I-366; 367; II-29; executions II-97; English estimate of II-x; failure I-368; 369; II-51; 79; failure, R. Emmet on II-305; failure, Madden on II-59; and Fenianism I-xi; firing begun II-104; and Ford, Pat II-76; Fox, General II-99; and French aid, Farrell's testimony II-184; and French Government II-105; funds II-45; 327; Major Gordon II-110; Government alarm II-242; Government complicity II-55; 99; 245; Government complicity, Gwynn

on II-304; Government, defence precautions II-103; Government knowledge of II-42; 42n; 94; 101; 168; 199; Government report II-94; 95; Government reprisals II-112; Government unpreparedness II-56; green flag II-98; L. I. Guiney on II-246; and Hamilton II-53; Hardwicke II-57; 99; 246; 304; Hevey II-50; Hope II-52; Hope's account II-53; Howley II-86; Hyde II-111; insurrectionists, number of II-104; 109; insurrectionists slain II-104; Irish people, attitude of II-163; Kildare men II-50; 62; 63; 71; 76; 102n; 308; 559; Kilwarden's death II-86; 267; Knox II-247; leaders II-39; 40; 46; leaders, absence of II-51; 79; Lewin, Ross II-305; London intelligence of II-55; Long, Philip II-45; McCabe I-346n; and Marsden II-57; 246; Marsden's statement II-105; Mason on II-141; military summoned II-190; O'Grady on II-158; and Orangemen II-79; 247; organization II-68; 69; 70; origin II-57; 105; origin, and Emmet II-215; Emmet's speech II-222; origin, Madden on II-245; 246; outbreak II-51; 109; 162; outbreak, Fleming's testimony II-178; Patrick Street depot II-97; Patrick Street explosion II-72; peace officers attacked II-189; Pitt II-57; 148; 244; 251; plan II-71; 555; Plunket on II-205; 206; 207; 209; and police II-148; precipitated II-101; preparations II-45; 63; 64; 66; preparations, Marsden's knowledge II-247; proclamation, Fleming's testimony II-176; and Quigley II-50; 53; and Rebellion of '98, I-333n; II-164; responsibility for II-99; and Roberts II-111; Rourke, Felix II-50; Rourke, John II-50; Russell I-269; II-53; and Saunders' newspaper II-111; and Scotchmen II-64; secrecy II-62; spies II-39; Stafford II-51; Ulster II-70; uniforms II-176; 183; and United Irishmen II-x; 53; and war with France II-159; Wexford men II-50; 62; 63; 280; 559; Whitty II-274; 279; 280; Wickham II-57; 247; Wickham's report II-42; 43; 82; Wicklow men II-50; 63; 280; 559; Wilson's testimony II-188

"Rebellion Book and Black History", by Godfrey K——n II-273

Record Office, Dublin Castle, Irish State papers II-249; State papers, disappearance of II-229

Record Office, London, Emmet State papers II-250

Redesdale, John Freeman Mitford, 1st Baron, Emmet's secret examination II-122

Redman, Dr. I-435; I-435n

——, Denis Lambert, arrest II-78; 97; and Berney, Michael II-71; Castle, attack planned II-75; and Emmet, Robert II-39; 73; escape II-97; execution II-98; patriotism of II-73; Petrie's portrait of II-256; and Rebellion of 1803, II-40; 73; 96

Reform, Parliamentary. *See* Parliament, Irish, reform

Reformation I-74; and Covenanters I-133

Reform Bill, Ponsonby's I-113

Regent, and great seal of England I-210

Reilly, T. Devin, and Mitchel trial II-586

——, Terence. *See* O'Reilly

Reily, Archbishop of Armagh, and Catholic education I-109

Relief Bill, Catholic, 1793 I-97; opposed I-98; royal assent I-107

Relief Bill, Catholic, of 1829 I-533; *Cf.* Catholic Emancipation

Remmetson, Dr., of Plymouth I-153

Rent, oppressive II-469

Repeal, Althorp and II-584; Holmes on II-584; O'Connell and II-584

Representation, Parliamentary I-75; Catholic disabilities I-546; Grattan on I-113; national I-57; Ponsonby Bill I-111; popular I-58; Secret Committee's report I-110; and United Irishmen I-243; 507

Republicanism, and Covenanters I-133; Dr. R. Emmet advocates I-178; T. A. Emmet on II-508; and Friends of Peace I-111; in Ireland I-91; 93; II-446; Norbury on II-215; and Secret Committee I-103; and Temple family I-189; and United Irishmen I-135; II-445; 468

Republican Party, in New York I-410; meeting I-418

Responsibility Bill, introduced I-131

Revenue laws, revision of, Grattan suggests I-126

Revolution, American, influence in Ireland I-51; Temples, attitude of I-177

——, English, of 1688, and Ireland I-89; and elective franchise I-57; and foreign aid II-451; vindication of I-15

——, French I-112; and democracy I-113; Emmet family I-179; Grattan's speech I-123; Great Britain I-506; and Ireland I-73; 79; 91; II-412; and Irish reign of terror, contrast II-112; O'Grady on II-166 and Volunteers I-89; and United States I-412

Reynolds, Dr., and the Brissotins I-115; escape I-116; and French aid I-116; imprisoned I-102; and Jackson, William I-116

——, John, Emmet's body, search for II-292; on Emmet's depôts II-47; and Trevor vault II-296

——, Thomas, informer I-247; 256; 258; 507; and Bond I-507; and Fitzgerald, Lord Edward I-507

Rice, Thomas, and "Devil's Brief" II-147; Emmet trial, evidence II-184

Ridgeway, Sir West, and Dublin Castle system II-261

——, William, Emmet trial, report of II-150; Emmet trial, report of, Emmet's speech II-213; 229; as State Counsel, Emmet trial II-216

"Righteous Perisheth, The", poem, Mrs. Lenox-Conyngham I-555

Riker family, burial ground I-531n

Riker, Miss. *See* Macneven, Mrs. William James
——, Richard, District Attorney-General I-421; and Emmet's death I-475; I-476
Riley, of Kilcock, shoemaker, Quigley's secret examination II-307; and Quigley II-306
Ripley, Honour Emiott (Mrs. John) II-348
Robbins, Catherine Emott II-348
"Robert Emmet's Grave", poem, by Shelley II-300
Roberts, paper stainer, and Emmet's outbreak II-111
Robertson, William, Principal of University of Edinburgh I-203
Robinson, ——, old New York, drawings of I-555
——, B. Beverly I-435
——, John, and "Devil's Brief" II-147; and Doyle II-193; 194; Emmet trial, evidence II-194
——, Rev. Stanford F. H., and Emmet, Robert, grave II-285
Roche, Thomas Maxwell, executed II-112; and Rebellion of 1803 II-40
Rockfield, residence I-440
Roden, Robert Jocelyn, 1st Earl of, United Irishmen, massacre of I-255
Rogers, Agnes. *See* Emmett, Agnes Rogers (Mrs. John)
——, Dr. John, and Emmet, T. A. I-205
Rokeby, residence I-450n
Rome, ancient, conquest, system of I-40; literature, Irish preservation of I-6
Romney, George, Curran, Sarah, portrait of II-265; 268; facing 262
Rooney, James, Butterfield-Lane house, lease of II-160; and Emmet, Robert II-172; and Frayne, M. II-173
Roosevelt, James J., and T. A. Emmet's death I-485; and Emmet memorial I-495
——, Nicholas J., and Fulton I-429
Roscommon, County of, Defenders I-140
Rose, in Patten arms I-221
Rose, ——, of Windyharbour, and Quigley II-306
Rosebery, Lord, on Fitzwilliam's recall I-217
Rossmore, Lord, death I-305
Rourke, Felix, and Byrne II-74; and Emmet, Robert II-39; grave II-292; Petrie's portrait of II-256; and Rebellion of 1803 II-40; 50
——, John, in Kilmainham II-492; and Rebellion of 1803 II-50
Rowan, Archibald Hamilton, arrest I-507; and Brissotins I-115; and Emmet I-207; 331; 466; 522; 529; Emmet's letter to I-467; in England I-350; escape I-116; 507; 522; 523; imprisonment I-113; and Jackson, William I-116; and Reynolds, Dr. I-116; Sampson, William, letter from I-528; 529; as Secretary of United Irishmen I-507; and Sheil I-466; and State prisoners I-330; trial I-488
——, Mrs. Archibald Hamilton, and Mrs. Sampson I-528
Royal Constabulary, and R. Peel II-88
Royal Hospital, Dublin II-236
Royalists, and Catholics I-14
Royal Medical Society. *See* Medicine, Royal Society of
—— Physical Society, of Edinburgh, and T. A. Emmet I-204
Russell, Grace. *See* Emett, Grace Russell (Mrs. Thomas)
——, Lord John, Moore's Memoirs, edition of II-9n; and O'Connor I-325; on Rebellion of 1798, I-228
——, Thomas, arrest II-98; and Berney II-71; at Butterfield Lane II-309; and Byrne II-70; and Defenders II-108; and Delany I-346n; and Emmet, Robert II-39; 70; 105; Emmet, plan to rescue II-237; and Emmet, T. A. I-214; T. A. Emmet, letter from I-266; execution II-98; 112; at Fort George I-269; 273; and French aid I-268; and Hamilton II-70; 106; and Hope II-72; Marsden on II-105; and Mason, St. John I-274; Millenarian views II-98; poem, on Mrs. Emmet's visit to her husband I-276; proclamation I-368; Quigley's secret examination II-308; 309; at Rathfarnham I-267; 268; and Rebellion of 1798, II-105; and Rebellion of 1803, I-269; II-53; 54; 96; 98; return from Continent II-106n; rocket test II-72; Savage on I-269; State prisoners, appeal to I-267; Ulster mission II-70; 71; 73; and Ulster Protestants II-108; and United Irishmen I-225; 333
Rutgers Medical Faculty, and Emmet I-469
Rutherford, Griffith, General, surrender I-417
Rutland, Charles Manners, 4th Duke of, "Montanus" on II-407
Ryan, Dr., Catholic assembly I-130; Catholic education, plan for I-110

Sadlier, James, legacy II-342
——, Mary, Emmet estate granted to II-344
——, Richard, of Tipperary II-342
Safford, Appleton, State charges against I-426
Sailors' Snug Harbor I-496; lawsuit, and Emmet I-472; 474; 477; 509; 543n; 557
St. Ann's Catholic Church, New York I-438n
St. Anne's Church, Dublin, Emett, Rebecca Temple, burial of II-340
St. Catherine's Church, Emmet's execution II-236; 216n; 226; in Emmet's Plan II-558; Kilwarden murder II-216n
St. George's Church, Dublin II-321
St. John's Chapel, New York (ill.) I-facing 472
St. John's Square, New York, Emmet residence I-438; II-525
St. John's Tower, Dublin Castle, Holmes' imprisonment II-318; State papers II-244; 248; 249; 271; *Cf.* Record office
St. Mark's Church, New York, T. A. Em-

met burial I-482; 484; 487; 530n; illustrations I-facing 484; facing 530
St. Michan's Church, and R. Emmet's remains II-260; 284; 286; 289; Sheares' remains II-288; 293
St. Patrick's Hospital, Dublin (ill.) facing I-178; salver presented to Dr. R. Emmet I-149; illustration I-facing 150
St. Paul's Church, Dublin, R. Emmet's remains II-291; 296
St. Paul's Church, New York II-352n; T. A. Emmet monument I-531n; 533; 538; 544; 553; T. A. Emmet monument (ill.) I-facing 542; (ill.) I-facing 553
St. Peter's Church, Dublin I-175; Emmet family burial place II-281; 282; 287; Emmet, Christopher Temple, burial certificate of I-192; Emmet, Christopher Temple, grave II-287; Emmet, Elizabeth Mason, burial II-233n; 341; Emmet, Dr. Robert, grave of I-183; II-285; and Emmet, Robert, remains II-260; 296; Mrs. Holmes' burial place II-321; (ill.) II-facing 285; mural tablet (ill.) II-facing 287; tombstone removed II-282
Salt, tax on I-325
Salvan, hangman at Kilmainham II-484
Salver, silver, gift to Dr. Emmet I-149; I-178; (ill.) I-150; inscription I-150
Sampson, William, Arcularius case, report of I-420; and Boston Hibernian Relief Society I-501; burial place I-531; Clinton, De Witt, letter to I-495; Clinton, De Witt, letter from I-495; death I-529; on Emmet, Jane Patten I-528; and Emmet, T. A. I-408; Emmet biography projected I-529; Emmet, T. A., eulogy I-485; 528; 529; and Emmet's funeral I-486; Emmet's letter to I-435; 435n; and Emmet, memoir of I-484n; and Emmet monument I-495; 544; in Georgetown I-529; Goodwin trial, report of I-436; and "The Press" I-231; reform resolutions I-243; Rowan, letter to I-528; 529; satirical verses on I-327; Joseph Story, letter from I-526; 527; and Tone, Captain William I-528; and United Irish Committee I-378; warrant against I-507
Sampson, Mrs. William, and Mrs. A. H. Rowan I-528
San Domingo, French expedition I-358
Sandy Mount I-156; in Emmet's plan II-557
Sarah's Bridge, Dublin II-236
"Sarsfield", pseudonym I-231
"Satanides", epitaph I-240; "Montanus" letter to I-238
"Saunders' News-Letter", Rebellion of 1803, II-111; State prisoners' advertisement II-473
Saurin, William, and Union II-314
"Scævola", pseudonym I-231
Scaling ladders, in Emmet's "Plan" II-557
Scandinavians in Ireland I-42
Schiefflin, Effingham, and Emmet's death I-475
Schmidt, Mr., consul I-446
——, Eliza Bache I-442; and Emmet family I-442; 444; 445; 446
School-masters, Irish, and handwriting II-221n
Schools, Catholic, relief measures I-109
Scotch, and Rebellion of 1798, II-238n; and Rebellion of 1803, II-64
Scotland, and France I-343; Habeas Corpus inoperative I-281; and United Irishmen I-342; 343
Scott, John, on Emmet's grave II-289; Emmet's uniform II-289
Scully, ——, State prisoner II-491; 493; 494; 495
Seals, of R. Emmet II-23; 234; 235; illustrations II-facing 234; United Irishmen, design for II-21; 22; United Irishmen, seal illustrated II-facing 22
Sea Point, Mason at II-142
Secretary, of United Irishmen I-134
—— at War, 1794-1801. *See* Wyndham, William
Secret Committee, Parliamentary, T. A. Emmet's examination I-227; 252; 253; 261; 264; 320; 507; II-278; 455; 461; 465; II-473; and King, Rufus I-414; Macneven's examination I-227; I-507; oath, administration of I-102; O'Connor's examination I-324; 507; Report I-103; and State prisoners of '98 I-252; 320; 321; 322
—— Service, and McNally's bribe II-149; 234
Selden, Dudley I-441; 441n; 442; 443; 445; 461
Seminary, Catholic, in Ireland I-109
Seton, Mary I-448
——, Sarah, and Emmets I-458
Shaghmacevel, Emmet estate II-343
Sheares, Henry, decapitation II-293; grave II-288; 293
——, John, decapitation II-293; on Emmet, T. A. II-470; Grattan on I-225; grave II-288; 293; proclamation II-458; and "The Press" I-231; and United Irishmen II-459; 462
Sheil, Richard Lalor, Emmet, T. A., letter to I-466; and Macready I-466
"She is far from the land", verses II-264
Shelburne, William Petty Fitzmaurice (1st Marquis of Lansdowne), Earl of and Union I-243
Shelley, Percy Bysshe, on Castlereagh I-531; Emmet, Robert, grave, poem on II-300; 301; poem, correspondence concerning II-561
Shepherd, John, Jr., and Emmet's death I-475
Sheridan, John, and Mrs. Toole II-76
——, Richard Brinsley, and Edkins collection I-195; and Kilmainham investigation II-489; and O'Connor I-324; Trevor's brutality, investigation of II-139
Sherlock, Thomas, on Emmet, Robert II-39; 114

Ship-Street, Dublin, in Emmet's "Plan" II-557
Shirley family, and Temples I-177; 351
Silly Jack. *See* Doyle, John
Simms, Robert, Emmet's letter to I-400; at Fort George I-273
Simpson, William, gaoler, Kilmainham II-139; and Devlin, Anne II-34
Sirr, Major Henry Charles, "Battalion of Testimony" II-116; 148n; and Curran, Sarah II-126; Curran's residence, search of II-129; 267; 271; and "Devil's Brief" II-147; and Devlin, Anne II-32; 36; 230n; 239; R. Emmet, arrest of II-88; 114; 166; 195; 212; and Emmet-Curran love letters II-269; Emmet's letters to Currans II-230; and R. Emmet's "Plan" II-555; Emmet reward II-261; Emmet trial, evidence II-198; as Government agent II-198n; M'Nally cross-examines II-198; and Madden I-310; II-270; at Patrick St. depôt II-101; portrait II-facing 198; prisoners, treatment of I-249; purloined letters I-310; I-313; Wickham's letter to II-270
——, Joseph D'Arcy, on Curran, Sarah II-271; and Emmet-Curran love-letters II-270; 271; on Irish leaders and assassination II-270; MacDonagh on II-271
Sixty-eight, and Catholic Committee I-85; 88
Skinner, Mary Emott (Mrs. Richard) II-348
Skinner-row, Dublin, in Emmet's "Plan" II-558
Slavery, T. A. Emmet's attitude I-393; 556; and national development, T. A. Emmet on I-8; and rights of man, T. A. Emmet on I-28
Small, Amy Emmotte (Mrs. Thomas) II-346
——, Jane Emmotte (Mrs. Isaac) II-346
Smith, ——, of Leixlys, and Quigley II-306
——, Father, and M'Nally, death of II-149
——, William S., trial, Emmet's defence I-408; 515; II-497; and Miranda II-499
Smith *vs.* Elder, case I-421
Smithfield Depot, Dublin, in Emmet's "Plan" II-558
Smithwick, Elizabeth, legacy II-342
Snowe, Christian. *See* Emmet, Christian Snowe (Mrs. Edward)
Snuffbox, heirloom I-164
Society of United Irishmen. *See* United Irishmen, Society of
"Socrates, Death of", verses by Mrs. Lenox-Conyngham II-324; 326
Solicitor, status I-395; 398
Solicitor generalship of Ireland, and Emmet, T. A. I-211; I-506; I-510
"Sophister", pseudonym I-231
South America, Miranda expedition II-498
South Carolina, Irish settlers I-vii
Southey, Robert, on Emmet, Robert II-298; Emmet's speech, poem on II-299; on British Government and Ireland II-298; on George III II-298; King, letter to II-298
Sparrow, William, Grand juror, Emmet trial II-145
Spear, Richard, Grand juror, Emmet trial II-145
Spencer, Judge Ambrose, and Yates I-423
——, George John, 2nd Earl, and Fitzwilliam I-217
——, John Charles, Viscount Althorp. *See* Althorp
Spies, British Government employ II-402; 404; and Congreve rockets II-252; and Emmet, Robert II-55; 78; 83; 94; 118n; 267; Hunter II-42n; in Ireland II-416; Johnstone II-49; 83; M'Daniel II-84; Noms II-43; 83; Norris II-83; and Rebellion of 1803 II-39; 53; 94; 107; 246; Trevor II-479; 481; among United Irishmen I-245; 246; 256; 257; 258; 261; II-22; 23; 247
"Spirit of Toleration and of '76", broadside I-419
Spring, Ally, and Emmet family II-91
Spring-Rices and Emmets II-361
Staël, Mme. de, and Countess d'Haussonville II-7; and Emmet family II-xiii; and Emmet, Robert II-7
Stafford, Nicholas, arrest II-85; in Butterfield lane II-85; capture, reward for II-261; and Emmet, Robert II-39; in hiding II-98; as informer II-98; 112; pardoned II-306; and Provisional Government II-162; and Rebellion of 1803, II-45; 51; uniform, Fleming's testimony II-178
Stanhope, Charles, 3rd Earl of, Fulton's letter to I-429; 430
Stanley, Arthur, Grand juror, Emmet trial II-145
Stark, ——, and Emmet, T. A. I-214
State papers, Irish, access denied I-328; disappearance II-229; relating to Emmet, Robert II-230; removal to England I-329
State Physician, office, Dr. R. Emmet I-176; Dr. R. Emmet resigns I-178; T. A. Emmet I-206
State prisoners of 1798, correspondence inspected I-274; dissensions among II-22; and Emmet, Robert II-22; examination I-261; families, restrictions I-336; at Fort George, I-269; 273; 327; 336; 337; at Fort George, removal, question of I-280; Fort George, release from I-314; I-330; Government, agreement with I-249; 250; 255; 256; 257; 258; 260; 311; 312; 318; 415; Government correspondence concerning I-271; Government report I-319; Government report, protest I-253; 321; 414; 417; and Government treachery I-253; and Habeas Corpus I-297; and King, Rufus I-253; 411; 412; 413; 415; 416; 419; 514; London "Courier" on I-323; memoir to Government I-256; 272; 318; mortality II-490; and O'Connor, Arthur I-336; Parliamentary examination I-252; 318; 320; and Rowan

I-330; Russell's appeal to I-267; solitary confinement I-319; and Stuart I-330; transported I-330; treatment of I-249; 253; 275; and Turner I-338; II-23
State prisoners of 1803, Hardwicke, memorial to II-37; ill-treatment II-230n; release II-38; 318
State rights, and patent laws II-518; and steam navigation, Fulton litigation I-459
Steamboats, Fulton inventions I-427; I-430; Gibbons versus Ogden I-459; litigation I-427; New Jersey legislation I-428; 429
"Step Together", poem, by Michael Barry II-589
Stephen's Green, Dublin (1798) (ill.) II-facing 281; Emmet residence I-175; 248; II-281; Emmet residence (ill.) I-176
Stephenson, ——, gaoler, Kilmainham II-139
Stephens-street, Dublin, in Emmet's "Plan" II-557
Steven, John, residence I-427
Stevens, Joane. *See* Emmet, Joane Stevens
Stewart, Colonel. *See* Castlereagh
Stirrup-lane, Dublin, in Emmet's "Plan" II-558
Stockdale, John, and Emmet, Robert II-39
Stokes, ——, patriot, and Emmet I-214
——, Mrs., lawsuit I-451
Storms, Henry, and Emmet's death I-475
Story, Judge Joseph, and Emmet, T. A. I-xxi; 526; 527; and Gibbons *vs.* Ogden case I-459; on Pinkney, William I-526; Wm. Sampson, letter to I-526; 527
Stoughton, James, death I-436; II-530
Strafford, Thomas Wentworth, first Earl of, Irish policy I-13; on Poynings' law I-24
Striking, of juries. *See* Jury
Stuart, Dougal, and Emmet, T. A. I-205
——, James, Lieut. Gov. of Fort George I-273; and Emmet, T. A. I-292n; 314; 327; 328; and Emmet children I-330; humanity I-275; 276; Madden on I-277; Portland's letter to I-275; and State prisoners of '98, I-314; 330; II-238n
Sturgeon, Henry, Capt., and Curran, Sarah II-264
Suffolk, Earl of, and O'Connor I-324
Suffrage, elective, theory of I-57; universal, and United Irishmen I-243; I-507
Sugar House prison, Cunningham's brutality II-230n
Sullivan, Frank J., Caniffe, J. J., letter from II-241; and R. Emmet's last verses II-241; Esdaile correspondence II-561; 562; and Emmet, T. A., M.D. II-241; II-300n; 561; and Shelley's poem II-561
Supremacy, Act of, in Ireland I-13
Supreme Court, New York, Emmet memorial I-535
Supreme Court, United States, Emmet's admission I-406
Surgeons, College of, Dublin I-176; built I-248
Surrey, Emmets of II-346
Swan, Major, and Marsden II-103
Swarthout, Mrs. I-442; and Emmet family I-442; 444; 445
Sweeney, John, United Irishmen I-333; 352n; 371; and Committee of United Irishmen I-379; and Corbet I-393; and Emmet I-352; 372; 384; at Fort George I-273; and French aid I-401; and French army I-393; and Irish expedition I-373; 385; and O'Connor I-359
Sweetman, Edward, Major, and Catholic Emancipation I-93
Sweetman, John, United Irishman I-333; 394; arrest I-322; 507; and Catholic Committee I-103; and Emmet, Thomas Addis I-339; 384; at Fort George I-273; Government, agreement with I-250; 256; 257; memorial to Government I-318; and Napoleon's answer to Emmet memoir I-386n; and Relief Bill, Catholic, 1793, I-102; and Secret Committee's report I-104; and United Irish Committee I-376; 377
Swift, Dean, and "The Press" I-231
——, Jonathan, hospital founded by I-149
Swift's alley, Dublin, in Emmet's "Plan" II-558
Swiney. *See* Sweeny
Switzerland, and France, R. Emmet on II-223
Sydney, Sir Henry, Irish policy I-42
Symes, R., reform resolutions I-243
Synod of Ulster. *See* Ulster, Synod of

Tallaght, Emmet, Robert II-212
Talleyrand, Prince de, and Emmet, Robert II-29; 49; and Macneven I-332; and United Irishmen in Paris II-53
Tandy, James Napper, Defender oath I-101; Hardwicke, memorial to II-37; in Kilmainham II-491; 495; and separation II-278; on Trevor's brutality II-230n; trial for treason I-211; Westmoreland, suit against I-207; 208
Tare, ——, American, Quigley's secret examination II-307
Taxation, involuntary, of Ireland I-63; popular consent to I-57; Secret Committee's report I-110; session of 1795, I-125
Taylor family, and Emmets II-343
——, Anne, Emett, Grace Russell, bequest from II-342
——, Elizabeth, of Blackpit. *See* Coates, Elizabeth Taylor (Mrs. Joseph)
——, Elizabeth Emmott II-342
——, Francis, of Nenagh II-342; 343
——, Michael Angelo, and O'Connor I-324
——, Robert II-342; 342n
——, Samuel, of Waterford I-162; 163
——, William, and Emmet, Robert II-298
——, William (fl. 1715), of Dublin II-343
——, William (fl. 1803), Emmet reward II-261
Teeling, Charles Hamilton, on T. A. Emmet I-512; "Personal Narrative of the Irish Rebellion of 1798", cited I-512
Temple, town, New Hampshire I-vi

Temple family, characteristic traits I-188; and Emmets I-188; II-89n; 352; in England II-350; family convictions II-351; Hannay on I-189; and Masons I-189; Nova Scotia, grant of II-350; in Tipperary II-351
——, Mrs., annuity I-185
——, Anne Western. *See* Emmet, Anne Western Temple
——, Augusta. *See* Palmer, Augusta Temple
——, Earl. *See* Buckingham
——, Elizabeth, of Dublin, legacy I-162; 164
——, George Grenville Nugent, Emmet, T. A., thesis dedicated to II-365
——, Sir Grenville I-296; on legal profession in U. S. I-308; marriage I-291
——, Harriet (Mrs. Robert) II-342; and Fitzgerald, Lady Anne II-89; government pension II-89; loyalty II-89; trust for II-344
——, Harriet, daughter of Harriet and Robert Temple, trust for I-177; II-344
——, Henry de. *See* Henry de Temple
——, Henry John, 3d Viscount Palmerston. *See* Palmerston
——, Sir John I-177; as Consul General in New York II-352; death I-291; descent II-350; and Emmet's seal for United Irishmen II-22; family, painting by Trumbull I-facing 291; as Governor of New Hampshire II-351; Miss Guiney on I-190; mural tablet II-352
——, Manor of, Leicester II-350
——, Mehetabele, daughter of Robert Temple. *See* Blackwood, Mehetabele Temple
——, Mehitable Nelson (Mrs. Robert), of Ten Hills II-351
——, Mehitable Whipple (Mrs. William) II-351; 352
——, Peter (16th century) II-350
——, Sir Purbeck, grandfather of Rebecca Temple Emmet I-161; II-350
——, Rebecca. *See* Emett, Rebecca Temple
——, Capt. Robert, of Ten Hills I-152; II-351; Miss Guiney on I-190
——, Robert, grandson of Robert Temple of Ten Hills I-177; loyalty II-89; 344; political views I-177
——, Robert Emmet, Colonel II-351; 352
——, Thomas, of Plymouth I-152; 161; II-350; Boston, residence in II-351; Maine property II-351; Maine settlement II-351; marriage II-351; New England trade II-351
——, Mrs. Thomas II-351
——, Sir Thomas II-350
——, William, of Portsmouth, N. H. II-351; descendants II-352
——, Sir William, descent II-350
Templenehurney, Emmet estate II-342
Templeogue, in Emmet's "Plan" II-558
"Tenez le Vraye", heraldic motto I-150
Ten Hills, Mass. I-190; II-351
Tennent, William, at Fort George I-273; and French army I-393; 394; and O'Connor I-336; reform resolutions I-243
"Tentamen Chymico-Medicum de Aëre Fixo sive Acido Aëreo", by T. A. Emmet I-203; text II-363 sqq.
"Tentamina Medica de Mensium Fluxu, et de Curatione Morborum Cephalicorum", by R. Emmet, M.D. I-165n
Test, of United Irishmen I-134
Texel, French armament II-453; 461
Thanet, Lord, and O'Connor, Arthur I-325
Thelusson, ——, and Wyndham II-56
Thomas, Margaret. *See* Emmett, Margaret Thomas (Mrs. Richard)
Thomas-court, Dublin, in Emmet's "Plan" II-558
Thomas Street, depôt II-47; 50; 63; 65; 66; 75; 174; Emmet at II-74; Ford's message II-76; illustration II-facing 238; Quigley II-85; seized II-110
——, Emmet's execution II-137; 216; 218; 226; 236; 558; patriots, execution of II-112; Rebellion of 1803 II-51; 85; 104; 109; 190
Thompson, schoolmaster I-402n; I-423
——, Anne. *See* Emmott, Anne Thompson (Mrs. John)
——, Margaret. *See* Colville, Margaret Thompson
——, Smith, Judge I-457n; and T. A. Emmet I-522; and T. A. Emmet's funeral I-486; T. A. Emmet's letter to I-456; and Gibbons *vs.* Ogden case I-459
——, Thomas, of Rich Hill II-342
Tierney, ——, and French army I-394; and O'Connor, Arthur I-325
Tilghman, James, Duponceau on I-501
Tillary, James, Emmet's letter to I-408
"Times, The", B. W.'s letter on Dunn bribe II-137; Mason's letter on Dunn bribe II-138; Mason's letter on Emmet's attempted escape II-114
Tipperary, Emmets of I-161; II-340; 342; Temples of II-351
Tissan, ——, of Cork, Quigley's secret examination II-307
Tithes, in Ireland I-80; 346n; II-460; 468
Todd, Thomas, and Gibbons *vs.* Ogden case I-459
Toler, John, 1st Earl of Norbury. *See* Norbury
Toleration, religious, of United Irishmen I-68; of Volunteers I-67
Tom, Mrs. (*née* Riker). *See* Macneven, Mrs. William James
——, Anna. *See* Emmet, Anna Tom (Mrs. T. A., Jr.)
Tombstones, uninscribed, Irish custom II-286
Tompkins, Daniel D., candidacy I-420; and Emmet, T. A. I-395; 406; 556
Tone, Theobald Wolfe, and Adet I-138; 139; appeal in behalf of I-267; and Beresford, Marcus I-267; and Catholic Committee I-226; as Catholic delegate I-129; 130; and Catholic Emancipation I-xiv; 533; 547; Catholic petition I-93; and Clare I-267; Directory of United

Irishmen I-507; emigration to America I-138; and Emmet, T. A. I-xvi; 212; 214; 266; 267; 463; escape declined I-117; expatriation I-267; 268; France, negotiations with I-270; and French aid I-268; in French army I-139; and Haslett II-42n; imprisonment I-266; on Ireland, state of I-116; and Jackson, William I-116; Knox, George I-267; Lecky on I-xv; Madden on II-ix; and military organization I-xvi; pamphlet I-82; and Ponsonby I-267; purpose I-226; at Rathfarnham I-267; and Russell I-269; Savage on I-269; and separation I-83; II-278; simplicity II-229; and United Irishmen I-225; 226; 316; 547; and Wolfe (Kilwarden) I-267
Tone, William Theobald Wolfe, Captain, and Wm. Sampson I-528
Toole, Mrs., and Byrne II-76; and Cash II-77; house searched II-76
Tories, Pitt's administration, "Montanus" on II-424; 425
Torture, Government use of in Ireland II-404
Tower, Dublin, Anne Devlin at II-34
Towns, representation in Grattan's Parliament I-58
Townsend, ——, State Counsel, Emmet trial II-216; Colgan's examination II-179; Darley's examination II-187; Evelyn's examination II-187; Lindsay's examination II-187; Vassall's examination II-186
——, J. S., Mason's arrest, report on II-141; 143
Trade. *See* Commerce
Trafalgar, battle I-382; 387n
Transportation, and Banishment Act I-410; of Defenders I-140; of Irish I-139; II-400; 401; and State prisoners of '98, I-311
Treason trials, evidence of accomplices, Plunket on II-203
Treasurer, of United Irishmen I-134
Treasury Board Bill I-126
"Trebor", pseudonym I-231; II-11; 17
Trevor, Arthur Hill II-295n; burial II-292
——, Edward II-139; brutality II-229n; brutality, parliamentary investigation II-139; career, early II-478; Comesky, death of II-480; and Devlin, Anne II-32; 33; 34; 230n; 239; and Downshire family II-295n; and Doyle II-486; and Dunn, G. II-141; education, want of II-479; embezzlement II-478; and Emmet, Robert I-511; II-140; on Emmet's anxiety for S. Curran II-126; and Emmet's attempted escape II-127; and Emmet's body II-292; 295; and Emmet, farewell embrace II-234; and Emmet, treachery towards II-234; 292; and Emmet, T. A. I-313; 510; and Government, Irish II-295; illegitimacy II-295n; immorality II-139; 483; and informers II-479; and Kilmainham II-478; 481; 491; Madden on II-292; as a magistrate II-484; and Mason, St. John I-265n; II-139; 140; Mason, St. John on II-139; Mason, St. John, pamphlet II-475; military employed by II-486; parentage II-478; peculations II-485; 488; perjury II-33; perjury, subornation of II-479; as a physician II-480; and prisoners I-249; II-37; 483; 487; and Salvan, the hangman II-484; as a spy II-481; torture employed by II-495
Trevor, vault, Barnett's drawing II-296; Emmet's remains II-294; Fuller's investigations II-291; 292; 296; headless remains II-292; 296; illustration II-facing 296; Ormsby and Fraser report II-293; Reynolds II-296
——, wealth II-295; and White, Peter II-486; will, Fuller on II-295n; *Cf.* Pedro Zendono
——, Elizabeth, burial II-292
——, Susan, burial II-292
"Trial and Dying Behaviour of Mr. R. Emmett", Government broadside, facsimile II-facing 217
Trial by jury, Carhampton's procedure I-239
"Tribune, Irish" II-586; R. Holmes, portrait and sketch of II-586; Mitchel trial II-586
Trinity Church, Coventry II-350
—— Church, New York City (ill.) I-facing 482; trial, Emmet, T. A. I-464
——Churchyard, New York, Hamilton monument I-538
—— College, Christopher Temple Emmet at I-191; 202; Miss Emmet on II-576; Emmet, Robert at II-4; 5; Emmet, Robert, dismissal I-182; II-8; T. A. Emmet at I-202; Emmet, T. A., diploma facsimile I-facing 206; Government visitation II-5; 8; Grattan, address to I-130; historical society, and Emmet, Robert II-9; illustration II-facing 23; Letter to the students of, in the "Press" I-231; Library, Emmet's letter II-230; Library (ill.) I-facing 310; Moore's letter II-5; Parliamentary representation I-58; political troubles II-8; United Irish societies II-8; and the yeomanry II-408
Troy, John Thomas, Archbishop of Dublin, and Catholic education I-109
Truguet, Laurent-Jean-François, and Emmet, T. A. I-361; 362; 363; 380; and Garat I-362; and Irish expedition I-364; 372; 380
Trumbull, Col. John, on Emmet I-418; Temple family, painting of I-facing 391
Tucker, Byrd. *See* Emmet, Byrd Tucker (Mrs. John Patten)
——, St. George I-469
Turbett, Robert Emmet juryman II-157
Turner, Sir J., and Covenanters II-405
——, Samuel, informer I-273; 337; II-22; 23; death I-338; and Emmet I-338; at Fort George I-338; Froude on I-338; at Kilmainham I-338; and O'Connor I-338; and State prisoners of '98, II-23; trial I-338

"Two Ships", poem, by R. Emmet II-13
Tyrrell, George, Butterfield-Lane house, lease of II-160; and Dowdall II-160; testimony II-172
——, Nicholas, and Rebellion of 1803, II-40

Ulster, Berney's mission II-71; Catholics banished I-142; Convention (1793) I-98; Defenderism I-115; Dissenters I-77; disturbances I-139; I-140; estates confiscated I-13; Orangemen I-141; Plantation, system of I-100; Provisional Government appeals to II-548; and Rebellion of 1798, II-452; Rebellion of 1803, II-98; United Irishmen I-xvi; United Irish provincial committee I-139
——, Synod of, King, address to the I-108
Uniformity, Act of, in Ireland I-13; 74
Union, Anglo-Irish I-xv; 218; antagonistic verse II-13n; and aristocracy II-440; and Catholic Emancipation I-130; II-568; Clare's services I-184; compulsory I-224; 227; effects I-548; II-40; effects, Montanus forecasts II-441; Elizabethan agitation II-251; Miss Emmet on II-313; 565; 573; and Emmet, Robert II-13n; 23; 24; 62; and Emmet, T. A. I-548; Gladstone, William Ewart I-4; Government method of securing II-244; and Grattan I-243; Holmes on II-584; and Irish people II-251; Mason, St. John II-114; and military law II-568; 569; "Montanus" on II-400; 410; 417; 427; 441; and Napoleon II-61; Norbury II-87; O'Connell on I-271; opposition to, and Pitt II-42; opposition to, Plunket on II-207; and Parliament, Irish II-566; 568; Parliamentary debate II-23; 24; and Parliamentary reform I-548; Pitt's policy I-215; 216; 228; 248; 316; 381; II-251; 278; 575; and Plunket II-24; and Rebellion of '98, I-316; and reform II-568
Union, Irish. *See* United Irishmen
"United Irishman, The", newspaper II-320; Government seizes II-586; R. Holmes' speech II-581
United Irishmen, Society of I-xv; 68; 82; 133; II-445; 448; abstemiousness II-450; and Amiens, Peace of I-341; in Antrim I-400; "Argus" attack I-379; 380; Armagh persecution II-447; assassination charge II-447; 458; and Ballyellis yeomanry II-61; baronial committee I-134; of Belfast I-118; 119; Belfast meeting (1795) I-133; bigotry, conciliation of I-140; and British army I-381; II-449; and British soldiery I-245; and Catholics I-142; II-446; and Catholic Committee I-84; and Catholic Relief I-113; 545; character I-135; and church establishment II-460; and Cloncurry II-24; committees I-134; and confiscation II-459; 467; Constitution I-133; 134; in Continental armies II-450; County Committees I-134; and Covenanters I-133; Cuming, George I-550; and Defenders I-143; 144; II-447; Delany, Malachy II-273n; Directory of. *See* Directory of United Irishmen; and Doyle II-66; in Dublin I-226; in Dublin, dissolved II-446; "Dublin Journal" attacks I-325; and Emmet, Robert I-133n; II-8; 21; 25; 57; 105; 219; and Emmet, T. A. I-xvii; 207; 211; 214; 223; 228; 316; 317; 320; 352; 488; 507; 523; II-415; 457; 461; T. A. Emmet on I-213; 278; 463; Emmet's agency in Paris I-342; 343; 344; 350; 351; 354; 355; II-308n; T. A. Emmet's memoir I-272; 383; T. A. Emmet takes oath II-587; and Established Church I-320; Executive I-139; II-448; fighting strength II-468; Fitzgerald, Lord Edward I-246; 247; Fitzpatrick on I-259; and Fitzwilliam's recall I-128; 226; foreign aid II-446; at Fort George I-269; France, negotiations with I-138; 139; 257; 335; France, war with II-446; French aid I-132; 137; 244; 320; 331; 333; 340; 342; 350; 351; 356; II-450; 451; 452; 462; in French army I-374; 375; 385; 386; II-496; French citizenship I-387; 389; and French Directory II-461; and French Government I-349; II-258; fund I-134; and Government, English I-356; Government, agreement with I-249; 250; 256; Grattan I-113; 225; 507; in Hamburg, and Turner II-23; and Harty I-350; 351; 352; 353; 356; imprisonment I-249; and insurrection I-317; 322; and Irish grievances II-468; and Irish independence II-95; and Irish people II-58n; and Jackson I-507; Jones II-115; Kavanagh on I-72; Kildare massacre I-255; King, Rufus I-411; and landowners II-471; leaders arrested I-x; 247; 257; 317; 318; 322; in Leinster II-448; and McCabe I-346n; M'Nally, counsel for II-148; Macneven's proclamation I-386; Madden's work I-212; members I-134; II-448; 468; memoir of State prisoners I-252; 261; military character I-xvi; 246; 248; 321; II-449; 461; 462; and militia I-145; mutual fidelity I-523; and Napoleon I-374; 376; II-53; "narrative" I-332; 333; national committee I-134; II-448; national convention projected II-445; national delegates, election of II-449; in New York, and Orangemen I-466; oath I-118; 246; 546; 549; II-446; object I-95; 101; 214; 225; 507; II-116; 278; O'Connor, Arthur I-324; 336; 339; 344; 351; 355; 356; 363; opposition to I-87; and Orange outrages I-142; 143; organs I-230; Ovidstown, capitulation of I-255; in Paris I-341; 344; 350; 352; 360; 372; 373; II-247; in Paris, Committee I-375; 377; 378; 384; 385; 386; Parliamentary examination I-250; 252; 318; and parliamentary representation I-507; parliaments, annual, advocated by I-507; patriotism I-533; and Peace, Friends of I-111; and Peep-of-Day Boys II-447; pensions, French I-350; persecution of, Montanus on II-405; policy, change of I-507; "The Press" I-212;

II-5; as prisoners of war I-353; 356; 357; and Protestant ascendancy I-90; II-445; Provincial committees I-134; and public order II-450; rebellion restrained I-245; and Rebellion of '98, I-260; 317; II-450; and Rebellion of 1803, II-x; 29; 53; 197; reclamation commission I-353; 357; records burnt II-448; and reform, Parliamentary I-111; 114; 545; 547; II-450; 452; 457; reform resolutions I-243; reorganized I-342; republicanism I-135; II-445; and resistance I-214; Reynolds I-247; 507; and Rowan I-207; 507; and Scotland I-342; 343; seal of, R. Emmet's design for II-21; 22; seal (ill.) II-facing 22; secrecy enjoined I-246; secretary I-134; and secret committee, oath of I-102; separation I-83; 135; II-445; 446; 448; 468; and separation, Government report II-95; and Sheares, John II-458; 462; spies among I-245; 246; 256; 258; 261; 332; spread I-129; and State prisoners of '98, I-312; State prisoners', defence of I-256; and suffrage, universal I-507; and Tandy I-207; 211; test I-134; tithes II-460; Tone, Theobald Wolfe I-138; 547; traitors II-246; treasurer I-134; trials I-258; trials, Emmet's defence I-212; in Trinity College II-5; 8; in Ulster I-xvi; violence, accusations of II-415; 416; and Whigs I-243; 244 II-452

"United Irishmen, Origin and Progress of", Emmet memoir II-443

United States, alien legislation I-397; 411; 412; Americans as Saxons I-iv; ancestry of people I-iv; and British press-gangs I-138; and Catholic Emancipation I-547; Congress, powers, T. A. Emmet on II-519; Emmet, T. A. I-309; 331; 332; 389; 401; and England I-111; iv; v; and French republicanism I-508; Irish population I-vi; viii; x; 391; merchant marine I-v; residential disadvantages I-308; and State prisoners of '98, I-311; 415; State rights, T. A. Emmet II-519; War of 1812 I-556

Universities, answers to Pitt I-88

University of Ireland. *See* Trinity

"U. S. F.", on Emmet memorial inscription I-536

Van Buren, Martin, and Astor suit I-471; and T. A. Emmet's funeral I-486

Vassall, Col. Spencer Thomas, and Devil's Brief II-147; Emmet trial, evidence II-186; and Gen. Fox II-102

"Verax", nom-de-plume of St. J. Mason II-138

Vereker, Charles 2nd Viscount, Govt. and Union II-314

Verplanck, Gulian C., and Emmet monument, English inscription I-539; 540; 544

Vicar-street, in Emmet's "Plan" II-558; Rebellion of 1803, II-51

Vicars, Counsellor, and Colgan II-181

Viceroy of Ireland. See Lord Lieutenant

Victoria, Queen, and Mitchel indictment II-582

"Vincent", pseudonym I-231

Vinegar Hill, battle I-249; 250; 255; 257

Visitation, governmental, of Trinity II-5; 8

Volunteers, Irish I-223; 225; ammunition prohibited I-99; assemblage prohibited I-107; Belfast Assembly I-89; and Catholic Relief I-79; 506; 547; and Charlemont I-506; and commerce I-547; decline I-55; dispersed I-113; Dissenters among I-78; England, effect on I-51; and English law in Ireland I-547; equal protection I-104; and Lisburn outrages I-105; 106; 107; "Marching Song" II-588; "Montanus" on II-395; and Orangemen I-141; and Parliament of 1782, I-54; and Poynings' Law II-584; reform, parliamentary I-xiv; 55; 59; 60; 547; and secret committee I-103; toleration, religious I-67

Wainhouse-Emmott, Richard I-149

Walsh, William, Grand juror, Emmet trial II-145

Wardell, Henry, Lewin's memoir II-305

Ware, ——, land surveyor, Quigley's secret examination II-306-308

——, Hugh, United Irishman I-357n; 393

War of 1812, Irish regiment I-424

Warren Street, New York, Emmet residence I-438

Washington, Bushrod, and Gibbons *vs.* Ogden case I-459

Waterford, Co., Emmets in II-338

Waterhouse, Charles, Emet suit against II-339

——, Ethelread, Emet suit against II-339

Water Street, New York, T. A. Emmet's residence II-525

Way, Margaret Emmett (Mrs. William) II-347

Waynfleet, William, Bishop of Winchester I-220; 221; portrait I-facing 221

Wear, Christopher, of Bulgadinedy II-339

Webb, Alfred, on Emmet's visit to Talleyrand II-29

Webster, Daniel, and Astor suit I-471; Gibbons *vs.* Ogden case I-459

"Weep Not for the Dead", poem, by Mrs. Lenox-Conyngham II-134; II-322

Weldon, ——, Defender I-145

Well, ——, lawyer I-421

West, Benjamin, and Emmet portrait of Fulton II-523; and Fulton, Robert I-427n; II-523; and Fulton portrait II-526; facing 525

Western, Jane, Emett, Grace Russell, bequest from II-342

Westmeath, military outrages I-242

Westmoreland, John Fane, 10th Earl of, Viceroy of Ireland, and Catholic Emancipation I-83; 94; "Montanus" on II-395-96; 407; Tandy's suit I-207; 209; Tandy's suit, Mason on I-208

Wexford, County of, and Catholic Emancipation I-93; and Emmet's plan II-559;

and Fitzwilliam's recall I-129; and Hope, J. II-72; insurrectionists, and Castle, attack on II-75; Kavanagh, Terence II-76; leaders, and Emmet's plan II-559; militia law opposed I-108; Rebellion of 1798, I-249; 257; Rebellion of 1798, and French aid I-358; and Rebellion of 1803, II-50; 54; 62; 63; 108; 280
Wexford, town, battle I-261
Whaley, Thomas, and Union II-314
Wheaton, Henry, Pinkney, Life of I-460
Whig Club I-81; and Peace, Friends of I-111; and United Irishmen I-87
Whiggism, revived I-81
Whigs, English, and "Courier" I-326; and O'Connell II-585; and O'Connor I-324; and Pitt I-119; and Tory Government I-120; and United Irishmen I-243
——, Irish, Lecky on I-xv; Ponsonby's Bill I-113; and Union I-xv
"Whigs of the Capital" I-81
Whipple Mehitable. *See* Temple, Mehitable Whipple
"Whiskey Jane", mother of Trevor II-478
Whitaker, Mrs. H. O., Emmet letter I-425n
Whitbread, Samuel, and O'Connor, Arthur I-325
White, General, and Lisburn outrages I-105; 106; 107
——, Campbell P., and Emmet I-431; and Emmet's death I-475; and Emmet memorial I-490; 496; 497; 552
——, Henry I-447
——, John, & Co., and Emmet monument subscription I-551
——, Sir John Jervis, and Ballyellis yeomanry II-61; and Emmet, T. A. II-61
——, Joseph I-163
——, Joseph, Esq., executor of C. Emmet's will I-162; I-163
——, Nathaniel, of Plymouth I-152; 163; and Emmet, Christopher II-351; and Temple, Thomas II-351
——, Peter, and Trevor II-486
——, Samuel, Dr. R. Emmet, letter from I-178
——, Samuel, schoolmaster, and Emmet family II-4; and Emmet, Robert II-3
White Bull, Inn, Dublin II-174; and Emmet's depot II-47; Kildare men II-308n
—— Street, New York, Emmet residence I-438
Whitty, Michael James, alias II-274; Castle, projected attack on II-280; and Emmet, Robert II-91; 274; 275; 277; on Emmet and Sarah Curran II-265; Emmet, Robert, description of II-278; Emmet, Robert, Life of II-274; Emmet, Robert, Life of, facsimile page II-facing 276; on Emmet's manner II-279; on Emmet's memory II-280; Emmet papers II-273; Emmet on Rebellion, quoted by II-276; escape II-280; in French army II-280; and "London and Dublin Magazine" II-273; and Rebellion of 1803, II-274; 279
Whyte, Saml., and Edkins collection I-195
Wickham, Right Hon. William, Chief Secretary for Ireland, 1802-04, II-25; and Brocas' portrait of R. Emmet II-256; Castlereagh, letter to I-271; I-272; The Confidential Letters of I-215; J. P. Curran's letter from II-240; J. P. Curran, letter to II-129
Wickham and Emmet, Robert, attempted escape II-127; correspondence in prison II-141; evidence against II-117; letter from II-233; letter to II-126; 232; II-143; secret examination II-122
—— and Irish relief I-350; Mason's imprisonment II-143; and Mason's letter to Emmet II-127; and Noms II-82; Mrs. A. Palmer's deposition II-117; Pelham, Lord, letter to II-129; Pole Carew, letter to II-117; and Rebellion of 1803, II-57; Rebellion of 1803, knowledge of II-247; 304; Rebellion of 1803, report II-42; 43; Rebellion of 1803, Miss Wolfe informs of II-305; Sirr, letter to II-270
Wicklow, R. Emmet's flight II-165; and Emmet's "Plan" II-557; insurrectionists II-75; and French invasion I-342; leaders, and Emmet's plan II-559; military outrages I-242; Rebellion of 1798, I-249; 257; and Rebellion of 1803, II-50; 54; 63; 108; 280; and State prisoners' agreement I-312
Wier, Henry, turnkey, and Devlin, Anne II-34
Wilford, General, insurgents surrender to I-258
Wilkinson, Abraham, and Fitzwilliam's recall I-129
William I, invasion of England I-11
——, III, alienism I-397; Boyne, Battle of the I-506
Williams, Elisha, and T. A. Emmet I-520
Williamson, Gen. Andrew, and Hayne I-417n
Wilson, Edw., Emmet trial, evidence II-188
Wilson, Hugh, United Irishman I-333; 393; and Byrne I-368n; II-80; and Emmet family I-442; and Emmet, T. A. II-80; at Fort George I-273
——, Hugh, Jr., and Emmet family I-442n; and Emmet monument subscription I-551
——, Richard, Grand juror, Emmet trial II-145
Winchester, cathedral, Waynfleet's tomb I-221
Windham, William. *See* Wyndham
Wine-tavern Street, Dublin, military depot II-47; in Emmet's "Plan" II-558
Winthrop family, and Temples I-190
——, Robert C. I-152; 394
Wirt, William, and Emmet, T. A. I-521; and Gibbons *vs.* Ogden case I-459
Wister, Dr. Casper, and Emmet, T. A. I-205
Wolfe, Col., Rebellion of 1803, information concerning II-102
——, Rev. Mr., body found II-104; death II-54
——, Miss, and Rebellion of 1803, II-86; 305

Wolfe, Arthur, Viscount Kilwarden. *See* Kilwarden
Women, Irish, patriotism of, Miss Emmet on II-566
Woodruff, Thomas T., and Emmet's death I-475
Wycombe, John Henry Petty Fitzmaurice (2nd Earl of Lansdowne), Lord, and Emmet, Robert II-39; 91; and Fitzgerald, Lady Anne II-91; and Hope II-54n; politics II-91; and Rebellion of 1803, II-40; 54n
Wylde, Thomas, in Butterfield Lane II-85; and Emmet, Robert II-39
Wyndham, William, and Corry II-56; and Fitzwilliam I-217; Grenville, letter to II-56; and Lord Milton I-123; and Thelusson II-56

Yates, John Van Ness, Judge, Emmet's letter to I-430
Yates *vs.* Lansing, suit I-423
Yellow fever, epidemic in New York I-456; in United States I-286
Yeomanry, Irish II-406; and Catholic Emancipation II-408; Connaugh outrages II-565; cost II-408; Emmet on II-167; Ireland, terrorization of II-408; Irish people and II-407; object II-407; and Parliamentary Reform II-408; and Trinity College II-408; unpreparedness II-103
Yielding, Mrs. *See* Thompson, Mary Anne Connell
Yorke, Charles Philip II-117
——, Philip, 3rd Earl of Hardwicke. *See* Hardwicke
Yorkshire, England, Emotts in I-154n
Young, Edward, poet, Dr. Emmet's imitation of I-170
Young Ireland Party, and Emmet's views I-x

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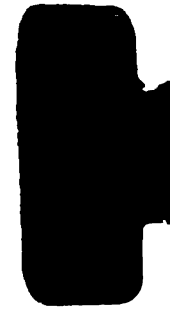
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